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STATUTES

of the

State of Oregon

Relating to

ELECTIONS

1911

Compiled from

Lord's Oregon Laws and the Laws of 1911

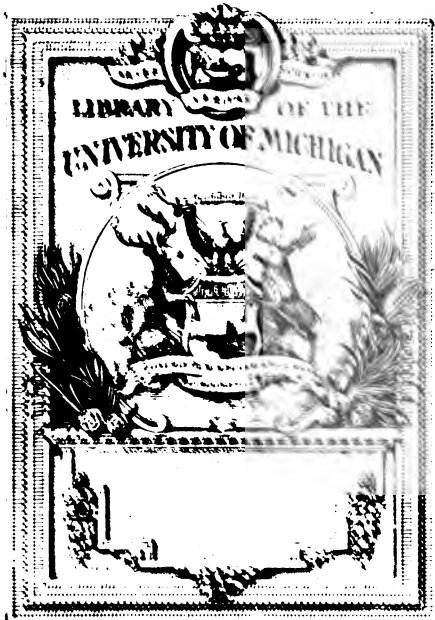
Also

Such Provisions of the Constitution of Oregon, and Such
Statutes of the United States, as Pertain to
Elections in this State

Compiled by
BEN W. GLCOTT
Secretary of State



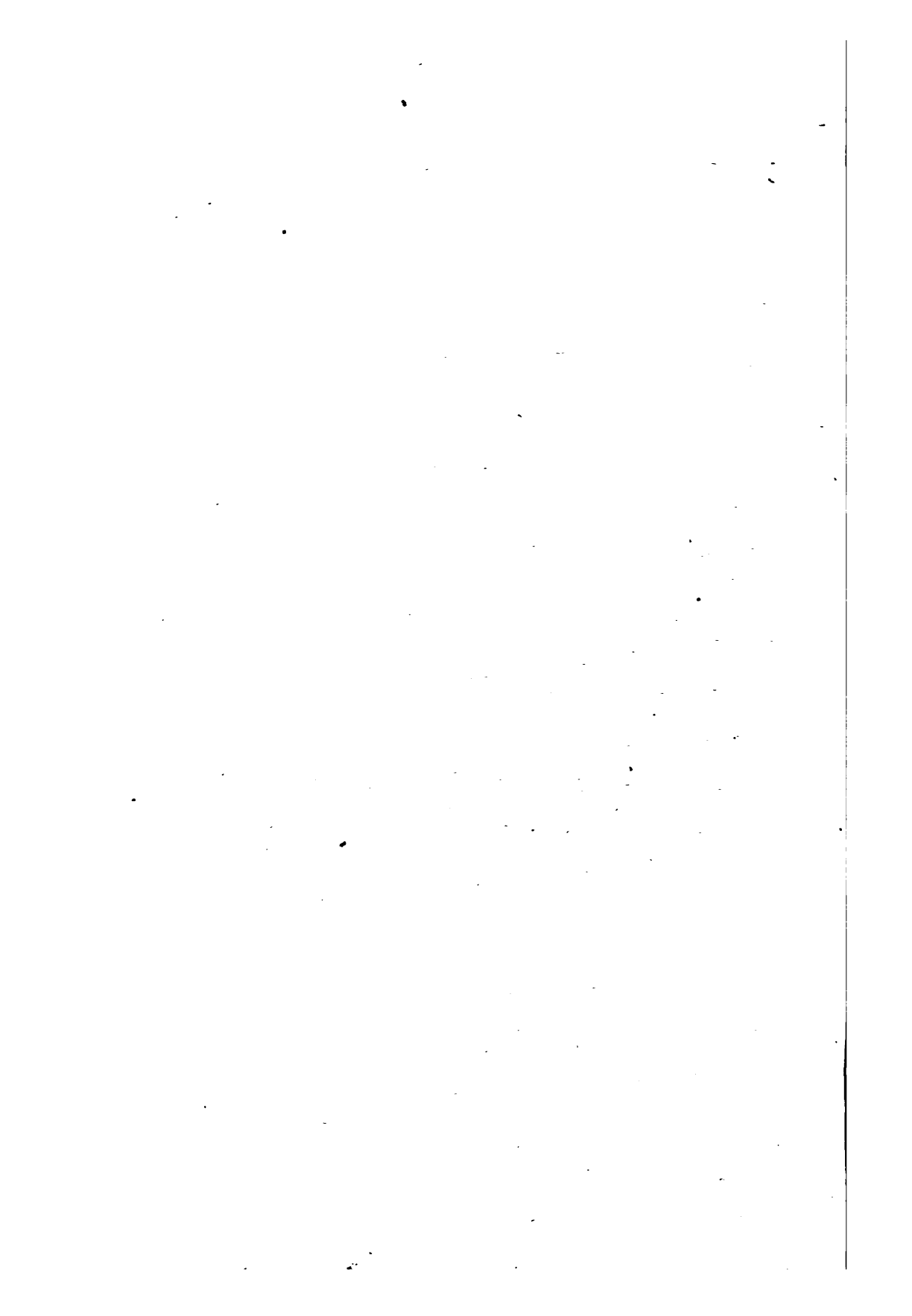
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WILLIS E. DUNIWAY, STATE PRINTER
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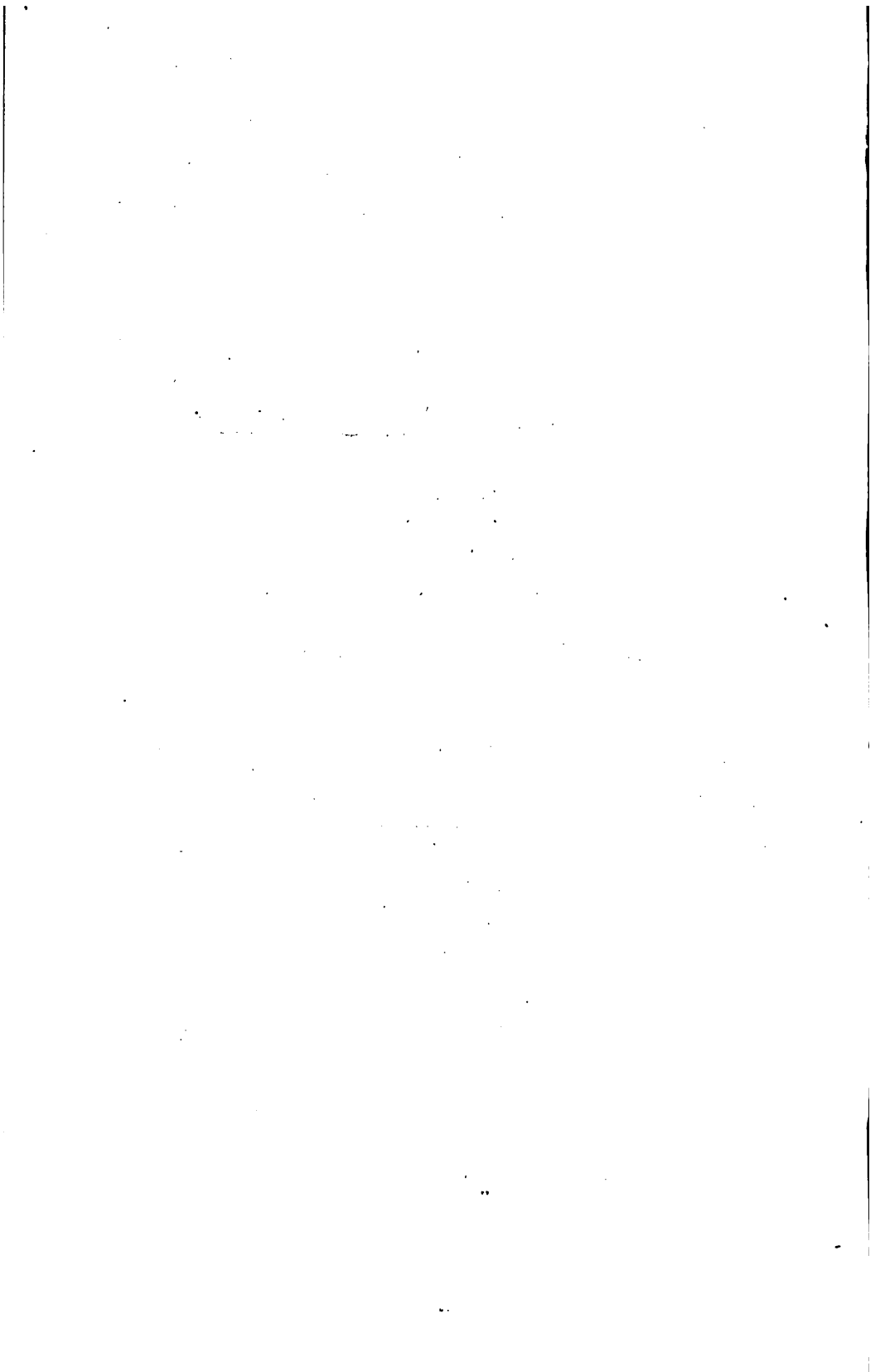
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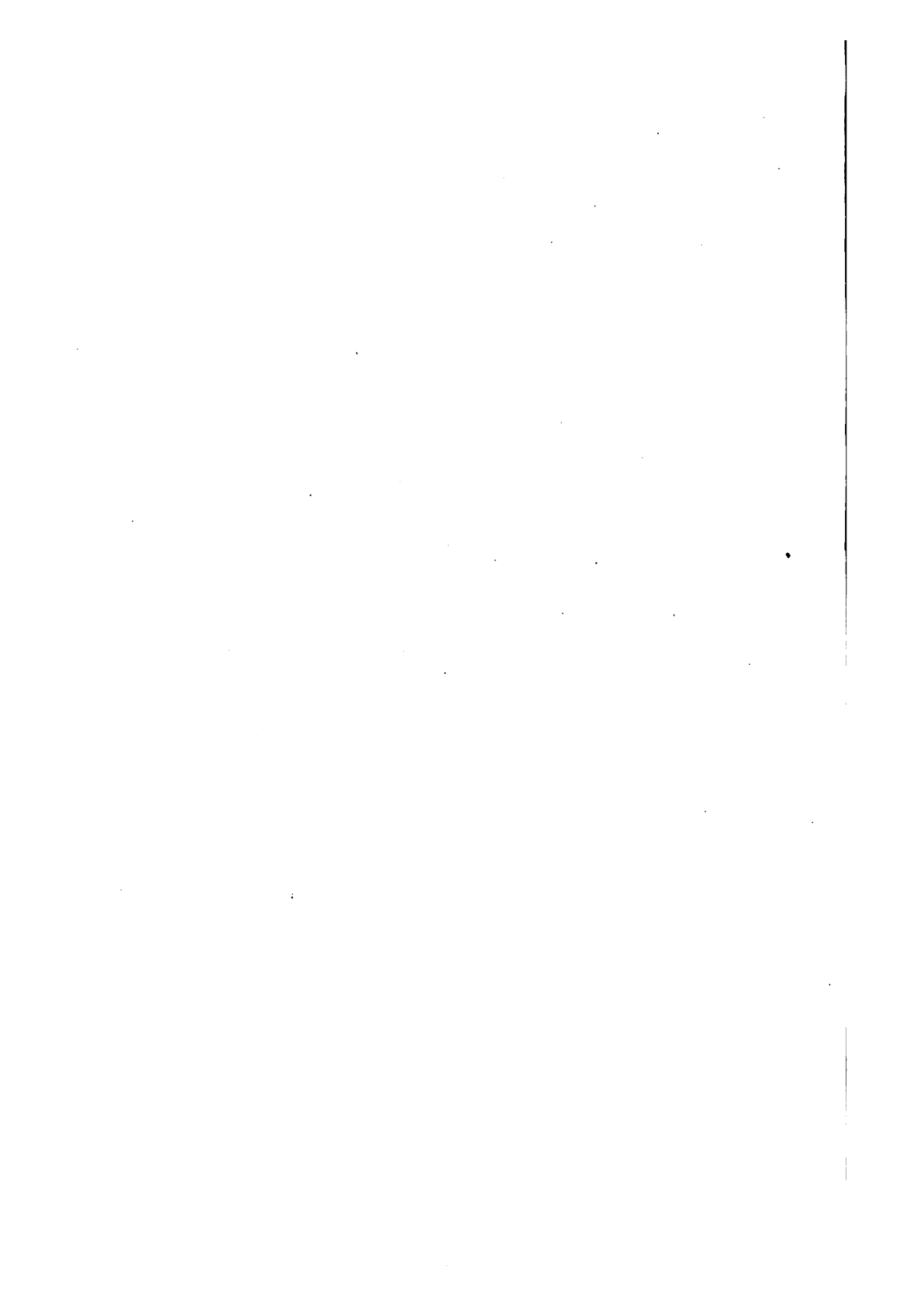
LAW AUTHORIZING THIS COMPILATION.

§ 3413. Lord's Oregon Laws. Election Supplies Furnished by Secretary of State.

It shall be the duty of the Secretary of State, not less than six months before every biennial election in this State, to compile the election laws of the State and index the same and cause the same to be printed in suitable pamphlet form, for the use of the judges of election; also suitable poll books, required by and in accordance with Section 3324; also tally sheets, required by and in accordance with Section 3326; also "register of nominations" books, required by Section 3341; also receipts, required by and in accordance with Section 3400; needles for stringing ballots and stubs, as required by Sections 3325 and 3409, and indelible "copying" pencils, suitable for canceling the names of candidates not voted for, as required by Section 3404; and he shall forthwith proceed and distribute the same to the several county clerks in the State, in appropriate quantities. The bills for furnishing said pamphlet copies of the election laws, for ruling, printing, and binding such poll books, blanks, receipts, register of nominations, and tally sheets, and procuring said needles and pencils, and for preparing and delivering the same, as required by this act, shall be audited by the Secretary of State and paid out of any moneys in the treasury not otherwise appropriated.

NOTE.—This compilation of the statutes of this State relating to elections and the registration of voters contains only such statutes as relate to or in any manner affect the duties and authority of judges and clerks of election, and other officers directly con-

nected therewith. Those statutes which are purely local in their application are mostly omitted from this compilation and for such information reference should be made to Lord's Oregon Laws and the Session Laws of 1911.



CONSTITUTION OF THE UNITED STATES.

ARTICLE I.

§ 4. Election of Senators and Representatives—Sessions of Congress.

The times, places, and manner of holding elections for senators and representatives shall be prescribed in each State by the legislature thereof; but the congress may at any time by law make or alter such regulations, except as to the places of choosing senators.

The congress shall assemble at least once in each year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

ARTICLE II.

§ 1. Executive Power—Electors of President and Vice-President.

The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows:

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the State may be entitled in the congress; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The congress may determine the time of choosing the electors, and the day on which they shall give their votes, which day shall be the same throughout the United States. [The balance of this section omitted, as it defines the qualifications of President, salary, etc.]

ARTICLE XIV.

§ 1. Citizenship, and Rights Thereof.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any

State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

ARTICLE XV.

§ 1. Right to Vote.

The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

UNITED STATES STATUTES DEFINING CITIZENSHIP.

[Revised United States Statutes, p. 351.]

§ 1992. Native-Born Persons.

All persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are declared to be citizens of the United States.

§ 1993. Children Born Abroad.

All children heretofore born or hereafter born out of the limits and jurisdiction of the United States, whose fathers were or may be at the time of their birth citizens thereof, are declared to be citizens of the United States; but the rights of citizenship shall not descend to children whose fathers never resided in the United States.

§ 1994. Married Women.

Any woman who is now or who may hereafter be married to a citizen of the United States, and who might herself be lawfully naturalized, shall be deemed a citizen.

§ 1995. Persons Born in Former Territory of Oregon.

All persons born in the district of country formerly known as the Territory of Oregon, and subject to the jurisdiction of the United States on the eighteenth day of May, 1872, are citizens in the same manner as if born elsewhere in the United States.

§ 1996. Army Deserters Forfeit Right of Citizenship.

All persons who deserted the military or naval service of the United States and did not return thereto or report themselves

to a provost marshal within sixty days after the issuance of the proclamation of the President, dated the eleventh day of March, 1865, are deemed to have voluntarily relinquished and forfeited their rights of citizenship, as well as their rights to become citizens; and such deserters shall be forever incapable of holding any office of trust or profit under the United States, or of exercising any rights of citizenship thereof.

§ 1997. Certain Soldiers and Sailors Excepted.

No soldier or sailor, however, who faithfully served according to his enlistment until the nineteenth day of April, 1865, and who without proper authority or leave first obtained, quit his command or refused to serve after that date, shall be a deserter from the army or navy; but this section shall be construed solely as a removal of any disability such soldier or sailor may have incurred under the preceding section, by the loss of citizenship and of the right to hold office in consequence of his desertion.

§ 1998. Defining an Army Deserter.

Every person who hereafter deserts the military or naval service of the United States, or who, being duly enrolled, departs the jurisdiction of the district in which he is enrolled, or goes beyond the limits of the United States, with intent to avoid any draft into the military or naval service lawfully ordered, shall be liable to all the penalties and forfeitures of Section 1996.

§ 1999. Right of Expatriation Declared.

Whereas the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and whereas, in the recognition of this principle, this government has freely received emigrants from all nations, and invested them with the rights of citizenship; and whereas it is claimed that such American citizens, with their descendants, are subjects of foreign states, owing allegiance to the government thereof; and whereas it is necessary to the maintenance of public peace that this claim of foreign allegiance should be promptly and finally disallowed: therefore, any declaration, instruction, opinion, order, or decision of any officer of the United States which denies, restricts, impairs, or questions the right of expatriation is declared inconsistent with the fundamental principles of the republic.

§ 2000. Naturalized Citizens Protected in Foreign States.

All naturalized citizens of the United States, while in foreign

countries, are entitled to and shall receive from this government the same protection of persons and property which is accorded to native-born citizens.

**UNITED STATES STATUTES RELATIVE TO THE ELECTIVE
FRANCHISE.**

[Revised United States Statutes, p. 353.]

§ 2003. Interference by Army or Naval Officers.

No officer of the army or navy of the United States shall prescribe or fix, or attempt to prescribe or fix, by proclamation, order, or otherwise, the qualifications of voters in any state, or in any manner interfere with the freedom of any election in any state, or with the exercise of the free right of suffrage in any state.

§ 2004. Race, Color, or Previous Condition Not to Affect the Right to Vote.

All citizens of the United States, who are otherwise qualified by law to vote at any election by the people in any state, territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections without distinction of race, color, or previous condition of servitude, any constitution, law, custom, usage, or regulation of any state or territory, or by or under its authority, to the contrary notwithstanding.

NATURALIZATION LAWS.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the designation of the Bureau of Immigration in the Department of Commerce and Labor is hereby changed to the "Bureau of Immigration and Naturalization," which said Bureau under the direction and control of the Secretary of Commerce and Labor, in addition to the duties now provided by law, shall have charge of all matters concerning the naturalization of aliens. That it shall be the duty of the said Bureau to provide for use

at the various immigration stations throughout the United States, books of record, wherein the commissioners of immigration shall cause a registry to be made in the case of each alien arriving in the United States from and after the passage of this Act of the name, age, occupation, personal description (including height, complexion, color of hair and eyes), the place of birth, the last residence, the intended place of residence in the United States, and the date of arrival of said alien, and, if entered through a port, the name of the vessel in which he comes. And it shall be the duty of said commissioners of immigration to cause to be granted to such alien a certificate of such registry, with the particulars thereof.

Sec. 2. That the Secretary of Commerce and Labor shall provide the said Bureau with such additional furnished offices within the city of Washington, such books of record and facilities, and such additional assistants, clerks, stenographers, typewriters, and other employees as may be necessary for the proper discharge of the duties imposed by this Act upon such Bureau, fixing the compensation of such additional employees until July 1st, 1907, within the appropriations made for that purpose.

Sec. 3. That exclusive jurisdiction to naturalize aliens as citizens of the United States is hereby conferred upon the following specified courts:

United States circuit and district courts now existing, or which may hereafter be established by Congress in any state, United States district courts for the territories of Arizona, New Mexico, Oklahoma, Hawaii, and Alaska; the Supreme Court of the District of Columbia, and the United States courts for the Indian Territory; also all courts of record in any state or territory now existing, or which may hereafter be created, having a seal, a clerk, and jurisdiction in actions at law or equity, or law and equity, in which the amount in controversy is unlimited.

That the naturalization jurisdiction of all courts herein specified, state, territorial, and federal, shall extend only to aliens resident within the respective judicial districts of such courts.

The courts herein specified shall, upon the requisition of the clerks of such courts, be furnished from time to time by the Bureau of Immigration and Naturalization with such blank forms as may be required in the naturalization of aliens, and all certificates of naturalization shall be consecutively numbered and printed on safety paper furnished by said Bureau.

Sec. 4. That an alien may be admitted to become a citizen of the United States in the following manner and not otherwise:

First. He shall declare on oath before the clerk of any

court authorized by this Act to naturalize aliens, or his authorized deputy, in the district in which such alien resides, two years at least prior to his admission, and after he has reached the age of eighteen years, that it is *bona fide* his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, and particularly, by name, to the prince, potentate, state, or sovereignty of which the alien may be at the time a citizen or subject. And such declaration shall set forth the name, age, occupation, personal description, place of birth, last foreign residence and allegiance, the date of arrival, the name of the vessel, if any, in which he came to the United States, and the present place of residence in the United States of said alien; *provided, however*, that no alien who, in conformity with the law in force at the date of his declaration, has declared his intention to become a citizen of the United States shall be required to renew such declaration; *provided further*, that any person belonging to the class of persons authorized and qualified under existing law to become a citizen of the United States who has resided constantly in the United States during a period of five years next preceding May 1st, 1910, who, because of misinformation in regard to his citizenship or the requirements of the law governing the naturalization of citizens has labored and acted under the impression that he was or could become a citizen of the United States and has in good faith exercised the rights or duties of a citizen or intended citizen of the United States because of such wrongful information and belief may, upon making a showing of such facts satisfactory to a court having jurisdiction to issue papers of naturalization to an alien, and the court in its judgment believes that such person has been for a period of more than five years entitled upon proper proceedings to be naturalized as a citizen of the United States, receive from the said court a final certificate of naturalization, and said court may issue such certificate without requiring proof of former declaration by or on the part of such person of their intention to become a citizen of the United States, but such applicant for naturalization shall comply in all other respects with the law relative to the issuance of final papers of naturalization to aliens.

Second. Not less than two years nor more than seven years after he has made such declaration of intention he shall make and file, in duplicate, a petition in writing, signed by the applicant in his own handwriting and duly verified, in which petition such applicant shall state his full name, his place of residence (by street and number, if possible), his occupation, and if possible, the date and place of his birth; the place from which he

emigrated, and the date and place of his arrival in the United States, and, if he entered through a port, the name of the vessel on which he arrived; the time when and the place and name of the court where he declared his intention to become a citizen of the United States; if he is married he shall state the name of his wife and, if possible, the country of her nativity and her place of residence at the time of filing his petition; and if he has children, the name, date, and place of birth and place of residence of each child living at the time of the filing of his petition; *provided*, that if he has filed his declaration before the passage of this Act he shall not be required to sign the petition in his own handwriting.

The petition shall set forth that he is not a disbeliever in or opposed to organized government, or a member of or affiliated with any organization or body of persons teaching disbelief in or opposed to organized government, a polygamist or believer in the practice of polygamy, and that it is his intention to become a citizen of the United States and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly by name to the prince, potentate, state, or sovereignty of which he at the time of filing of his petition may be a citizen or subject, and that it is his intention to reside permanently within the United States, and whether or not he has been denied admission as a citizen of the United States, and, if denied, the ground or grounds of such denial, the court or courts in which such decision was rendered, and that the cause for such denial has since been cured or removed, and every fact material to his naturalization and required to be proved upon the final hearing of his application.

The petition shall also be verified by the affidavits of at least two credible witnesses, who are citizens of the United States, and who shall state in their affidavits that they have personally known the applicant to be a resident of the United States for a period of at least five years continuously, and of the state, territory, or district in which the application is made for a period of at least one year immediately preceding the date of the filing of his petition, and that they each have personal knowledge that the petitioner is a person of good moral character, and that he is in every way qualified, in their opinion, to be admitted as a citizen of the United States.

At the time of filing his petition there shall be filed with the clerk of the court a certificate from the Department of Commerce and Labor, if the petitioner arrives in the United States after the passage of this Act, stating the date, place, and manner of his arrival in the United States, and the declaration of

intention of such petitioner, which certificate and declaration shall be attached to and made a part of said petition.

Third. He shall, before he is admitted to citizenship, declare on oath in open court that he will support the Constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly by name to the prince, potentate, state, or sovereignty of which he was before a citizen or subject; that he will support and defend the Constitution and laws of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same.

Fourth. It shall be made to appear to the satisfaction of the court admitting any alien to citizenship that immediately preceding the date of his application he has resided continuously within the United States five years at least, and within the state or territory where such court is at the time held one year at least, and that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same. In addition to the oath of the applicant, the testimony of at least two witnesses, citizens of the United States, as to the facts of residence, moral character, and attachment to the principles of the Constitution shall be required, and the name, place of residence, and occupation of each witness shall be set forth in the record.

Fifth. In case the alien applying to be admitted to citizenship has borne any hereditary title, or has been of any of the orders of nobility in the kingdom or state from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility in the court to which his application is made, and his renunciation shall be recorded in the court.

Sixth. When any alien who has declared his intention to become a citizen of the United States dies before he is actually naturalized the widow and minor children of such alien may, by complying with the other provisions of this Act, be naturalized without making any declaration of intention.

Sec. 5. That the clerk of the court shall, immediately after filing the petition, give notice thereof by posting in a public and conspicuous place in his office, or in the building in which his office is situated, under an appropriate heading, the name, nativity, and residence of the alien, the date and place of his arrival in the United States, and the date, as nearly as may be, for the final hearing of his petition, and the names of the witnesses whom the applicant expects to summon in his behalf;

and the clerk shall, if the applicant requests it, issue a subpoena for the witnesses so named by the said applicant to appear upon the day set for the final hearing, but in case such witnesses can not be produced upon the final hearing other witnesses may be summoned.

Sec. 6. That petitions for naturalization may be made and filed during term time or vacation of the court and shall be docketed the same day as filed, but final action thereon shall be had only on stated days, to be fixed by rule of the court, and in no case shall final action be had upon a petition until at least ninety days have elapsed after filing and posting the notice of such petition; *provided*, that no person shall be naturalized nor shall any certificate of naturalization be issued by any court within thirty days preceding the holding of any general election within its territorial jurisdiction. It shall be lawful, at the time and as a part of the naturalization of any alien, for the court, in its discretion, upon the petition of such alien, to make a decree changing the name of said alien, and his certificate of naturalization shall be issued to him in accordance therewith.

Sec. 7. That no person who disbelieves in or who is opposed to organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States, or of any other organized government, because of his or their official character, or who is a polygamist, shall be naturalized or be made a citizen of the United States.

Sec. 8. That no alien shall hereafter be naturalized or admitted as a citizen of the United States who can not speak the English language; *provided*, that this requirement shall not apply to aliens who are physically unable to comply therewith, if they are otherwise qualified to become citizens of the United States; *and provided further*, that the requirements of this section shall not apply to any alien who has prior to the passage of this Act declared his intention to become a citizen of the United States in conformity with the law in force at the date of making such declaration; *provided further*, that the requirements of Section 8 shall not apply to aliens who shall hereafter declare their intention to become citizens and who shall make homestead entries upon the public lands of the United States and comply in all respects with the laws providing for homestead entries on such lands.

Sec. 9. That every final hearing upon such petition shall be had in open court before a judge or judges thereof, and every

final order which may be made upon such petition shall be under the hand of the court and entered in full upon a record kept for that purpose, and upon such final hearing of such petition the applicant and witnesses shall be examined under oath before the court and in the presence of the court.

Sec. 10. That in case the petitioner has not resided in the state, territory, or district for a period of five years continuously and immediately preceding the filing of his petition he may establish by two witnesses, both in his petition and at the hearing, the time of his residence within the state, provided that it has been for more than one year, and the remaining portion of his five years' residence within the United States required by law to be established may be proved by the depositions of two or more witnesses who are citizens of the United States, upon notice to the Bureau of Immigration and Naturalization and the United States attorney for the district in which said witnesses may reside.

Sec. 11. That the United States shall have the right to appear before any court or courts exercising jurisdiction in naturalization proceedings for the purpose of cross-examining the petitioner and the witnesses produced in support of his petition concerning any matter touching or in any way affecting his right to admission to citizenship, and shall have the right to call witnesses, produce evidence, and be heard in opposition to the granting of any petition in naturalization proceedings.

Sec. 12. That it is hereby made the duty of the clerk of each and every court exercising jurisdiction in naturalization matters under the provisions of this Act to keep and file a duplicate of each declaration of intention made before him and to send to the Bureau of Immigration and Naturalization at Washington, within thirty days after the issuance of a certificate of citizenship, a duplicate of such certificate, and to make and keep on file in his office a stub for each certificate so issued by him, whereon shall be entered a memorandum of all the essential facts set forth in such certificate. It shall also be the duty of the clerk of each of said courts to report to the said Bureau, within thirty days after the final hearing and decision of the court, the name of each and every alien who shall be denied naturalization, and to furnish to said Bureau duplicates of all petitions within thirty days after the filing of the same, and certified copies of such other proceedings and orders instituted in or issued out of said court affecting or relating to the naturalization of aliens as may be required from time to time by the said Bureau.

In case any such clerk or officer acting under his direction shall refuse or neglect to comply with any of the foregoing provisions he shall forfeit and pay to the United States the sum

of twenty-five dollars in each and every case in which such violation or omission occurs, and the amount of such forfeiture may be recovered by the United States in an action of debt against such clerk.

Clerks of courts having and exercising jurisdiction in naturalization matters shall be responsible for all blank certificates of citizenship received by them from time to time from the Bureau of Immigration and Naturalization, and shall account for the same to the said Bureau whenever required so to do by such Bureau. No certificate of citizenship received by any such clerk which may be defaced or injured in such manner as to prevent its use as herein provided shall in any case be destroyed, but such certificate shall be returned to the said Bureau; and in case any such clerk shall fail to return or properly account for any certificate furnished by the said Bureau, as herein provided, he shall be liable to the United States in the sum of fifty dollars, to be recovered in an action of debt, for each and every certificate not properly accounted for or returned.

Sec. 13. That the clerk of each and every court exercising jurisdiction in naturalization cases shall charge, collect, and account for the following fees in each proceeding:

For receiving and filing a declaration of intention and issuing a duplicate thereof, one dollar.

For making, filing, and docketing the petition of an alien for admission as a citizen of the United States and for the final hearing thereon, two dollars; and for entering the final order and the issuance of the certificate of citizenship thereunder, if granted, two dollars.

The clerk of any court collecting such fees is hereby authorized to retain one-half of the fees collected by him in such naturalization proceeding; the remaining one-half of the naturalization fees in each case collected by such clerks, respectively, shall be accounted for in their quarterly accounts, which they are hereby required to render the Bureau of Immigration and Naturalization, and paid over to such Bureau within thirty days from the close of each quarter in each and every fiscal year, and the moneys so received shall be paid over to the disbursing clerk of the Department of Commerce and Labor, who shall thereupon deposit them in the Treasury of the United States, rendering an account therefor quarterly to the auditor for the state and other departments, and the said disbursing clerk shall be held responsible under his bond for said fees so received.

In addition to the fees herein required, the petitioner shall, upon the filing of his petition to become a citizen of the United States, deposit with and pay to the clerk of the court a sum of

money sufficient to cover the expenses of subpoenaing and paying the legal fees of any witnesses for whom he may request a subpoena, and upon the final discharge of such witnesses they shall receive, if they demand the same from the clerk, the customary and usual witness fees from the moneys which the petitioner shall have paid to such clerk for such purpose, and the residue, if any, shall be returned by the clerk to the petitioner; *provided*, that the clerks of courts exercising jurisdiction in naturalization proceedings shall be permitted to retain one-half of the fees in any fiscal year up to the sum of three thousand dollars, and that all fees received by such clerks in naturalization proceedings in excess of such amount shall be accounted for and paid over to said Bureau as in case of other fees to which the United States may be entitled under the provisions of this act. The clerks of the various courts exercising jurisdiction in naturalization proceedings shall pay all additional clerical force that may be required in performing the duties imposed by this Act upon the clerks of courts from fees received by such clerks in naturalization proceedings.

And in case the clerk of any court exercising naturalization jurisdiction collects fees in excess of the sum of six thousand dollars in any fiscal year the Secretary of Commerce and Labor may allow salaries, for naturalization purposes only, to pay for clerical assistance, to be selected and employed by that clerk, additional to the clerical force, for which clerks of courts are required by this section to pay from fees received by such clerks in naturalization proceedings, if in the opinion of said secretary the naturalization business of such clerk warrants further additional assistance; *provided*, that in no event shall the whole amount allowed the clerk of a court and his assistants exceed the one-half of the gross receipts of the office of said clerk from naturalization fees during such fiscal year; *provided further*, that when, at the close of any fiscal year, the business of such clerk of court indicates in the opinion of the Secretary of Commerce and Labor that the naturalization fees for the succeeding fiscal year will exceed six thousand dollars the Secretary of Commerce and Labor may authorize the continuance of the allowance of salaries for the additional clerical assistance herein provided for and employed on the last day of the fiscal year until such time as the remittances indicate in the opinion of said secretary that the fees for the then current fiscal year will not be sufficient to allow the additional clerical assistance authorized by this Act.

That payment for the additional clerical assistance herein authorized shall be in the manner and under such regulations as the Secretary of Commerce and Labor may prescribe.

Sec. 14. That the declarations of intention and the petitions for naturalization shall be bound in chronological order in separate volumes, indexed, consecutively numbered, and made part of the records of the court. Each certificate of naturalization issued shall bear upon its face, in a place prepared therefor, the volume number and page number of the petition whereon such certificate was issued, and the volume number and page number of the stub of such certificate.

Sec. 15. That it shall be the duty of the United States district attorneys for the respective districts, upon affidavit showing good cause therefor, to institute proceedings in any court having jurisdiction to naturalize aliens in the judicial district in which the naturalized citizen may reside at the time of bringing the suit, for the purpose of setting aside and canceling the certificate of citizenship on the ground of fraud or on the ground that such certificate of citizenship was illegally procured. In any such proceedings the party holding the certificate of citizenship alleged to have been fraudulently or illegally procured shall have sixty days personal notice in which to make answer to the petition of the United States; and if the holder of such certificate be absent from the United States or from the district in which he last had his residence, such notice shall be given by publication in the manner provided for the service of summons by publication or upon absentees by the laws of the State or the place where such suit is brought.

If any alien who shall have secured a certificate of citizenship under the provisions of this act shall, within five years after the issuance of such certificate, return to the country of his nativity, or go to any other foreign country, and take permanent residence therein, it shall be considered *prima facie* evidence of a lack of intention on the part of such alien to become a permanent citizen of the United States at the time of filing his application for citizenship, and, in the absence of countervailing evidence, it shall be sufficient in the proper proceeding to authorize the cancellation of his certificate of citizenship as fraudulent, and the diplomatic and consular officers of the United States in foreign countries shall from time to time, through the Department of State, furnish the Department of Justice with the names of those within their respective jurisdictions who have such certificates of citizenship and who have taken permanent residence in the country of their nativity, or in any other foreign country, and such statements, duly certified, shall be admissible in evidence in all courts in proceedings to cancel certificates of citizenship.

Whenever any certificate of citizenship shall be set aside or canceled, as herein provided, the court in which such judg-

ment or decree is rendered shall make an order canceling such certificate of citizenship and shall send a certified copy of such order to the Bureau of Immigration and Naturalization; and in case such certificate was not originally issued by the court making such order it shall direct the clerk of the court to transmit a copy of such order and judgment to the court out of which such certificate of citizenship shall have been originally issued. And it shall thereupon be the duty of the clerk of the court receiving such certified copy of the order and judgment of the court to enter the same of record and to cancel such original certificate of citizenship upon the records and to notify the Bureau of Immigration and Naturalization of such cancellation.

The provisions of this section shall apply not only to certificates of citizenship issued under the provisions of this act, but to all certificates of citizenship which may have been issued heretofore by any court exercising jurisdiction in naturalization proceedings under prior laws.

Sec. 16. That every person who falsely makes, forges, counterfeits, or causes or procures to be falsely made, forged, or counterfeited, or knowingly aids or assists in falsely making, forging, or counterfeiting any certificate of citizenship, with intent to use the same, or with the intent that the same may be used by some other person or persons, shall be guilty of a felony, and a person convicted of such offense shall be punished by imprisonment for not more than ten years, or by a fine of not more than ten thousand dollars, or by both such fine and imprisonment.

Sec. 17. That every person who engraves or causes or procures to be engraved, or assists in engraving, any plate in the likeness of any plate designed for the printing of a certificate of citizenship, or who sells any such plate, or who brings into the United States from any foreign place any such plate, except under the direction of the Secretary of Commerce and Labor, or other proper officer, and any person who has in his control, custody, or possession any metallic plate engraved after the similitude of any plate from which any such certificate has been printed, with intent to use such plate or suffer the same to be used in forging or counterfeiting any such certificate or any part thereof; and every person who prints, photographs, or in any other manner causes to be printed, photographed, made, or executed, any print or impression in the likeness of any such certificate, or any part thereof, or who sells any such certificate, or brings the same into the United States from any foreign place, except by direction of some proper officer of the United States, or who has in his possession a distinctive paper which has been adopted by the

proper officer of the United States for the printing of such certificate, with intent to unlawfully use the same, shall be punished by a fine of not more than ten thousand dollars, or by imprisonment at hard labor for not more than ten years, or by both such fine and imprisonment.

Sec. 18. That it is hereby made a felony for any clerk or other person to issue or be a party to the issuance of a certificate of citizenship contrary to the provisions of this act, except upon a final order under the hand of a court having jurisdiction to make such order, and upon conviction thereof such clerk or other person shall be punished by imprisonment for not more than five years and by a fine of not more than five thousand dollars, in the discretion of the court.

Sec. 19. That every person who without lawful excuse is possessed of any blank certificate of citizenship provided by the Bureau of Immigration and Naturalization, with intent unlawfully to use the same, shall be imprisoned at hard labor not more than five years or be fined not more than one thousand dollars.

Sec. 20. That any clerk or other officer of a court having power under this act to naturalize aliens, who willfully neglects to render true accounts of moneys received by him for naturalization proceedings or who willfully neglects to pay over any balance of such moneys due to the United States within thirty days after said payment shall become due and demand therefor has been made and refused, shall be deemed guilty of embezzlement of the public moneys, and shall be punishable by imprisonment for not more than five years, or by a fine of not more than five thousand dollars, or both.

Sec. 21. That it shall be unlawful for any clerk of any court or his authorized deputy or assistant exercising jurisdiction in naturalization proceedings to demand, charge, collect, or receive any other or additional fees or moneys in naturalization proceedings save the fees and moneys herein specified; and a violation of any of the provisions of this section or any part thereof is hereby declared to be a misdemeanor and shall be punished by imprisonment for not more than two years, or by a fine of not more than one thousand dollars, or by both such fine and imprisonment.

Sec. 22. That the clerk of any court exercising jurisdiction in naturalization proceedings, or any person acting under authority of this act, who shall knowingly certify that a petitioner, affiant, or witness named in an affidavit, petition, or certificate of citizenship, or other paper or writing required to be executed under the provisions of this act, personally appeared before him and was sworn thereto, or acknowledged the execution thereof or signed the same, when in fact such

petitioner, affiant, or witness did not personally appear before him, or was not sworn thereto, or did not execute the same, or did not acknowledge the execution thereof, shall be punished by a fine not exceeding five thousand dollars, or by imprisonment not to exceed five years.

Sec. 23. That any person who knowingly procures naturalization in violation of the provisions of this act shall be fined not more than five thousand dollars, or shall be imprisoned not more than five years, or both, and upon conviction the court in which such conviction is had shall thereupon adjudge and declare the final order admitting such person to citizenship void. Jurisdiction is hereby conferred on the courts having jurisdiction of the trial of such offense to make such adjudication. Any person who knowingly aids, advises, or encourages any person not entitled thereto to apply for or to secure naturalization, or to file the preliminary papers declaring an intent to become a citizen of the United States, or who in any naturalization proceeding knowingly procures or gives false testimony as to any material fact, or who knowingly makes an affidavit false as to any material fact required to be proved in such proceeding, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both.

Sec. 24. That no person shall be prosecuted, tried, or punished for any crime arising under the provisions of this act unless the indictment is found or the information is filed within five years next after the commission of such crime.

Sec. 25. That for the purpose of the prosecution of all crimes and offenses against the naturalization laws of the United States which may have been committed prior to the date when this act shall go into effect, the existing naturalization laws shall remain in full force and effect.

Sec. 26. That sections twenty-one hundred and sixty-five, twenty-one hundred and sixty-seven, twenty-one hundred and sixty-eight, twenty-one hundred and seventy-three of the Revised Statutes of the United States of America, and section thirty-nine of chapter one thousand and twelve of the Statutes at Large of the United States of America for the year nineteen hundred and three, and all acts or parts of acts inconsistent with or repugnant to the provisions of this act are hereby repealed.

Sec. 27. That substantially the following forms shall be used in the proceedings to which they relate:

DECLARATION OF INTENTION.

(Invalid for all purposes seven years after the date hereof.)

....., ss:

I,, aged years, occupation do declare on oath (affirm) that my personal description is: Color....., com-

plexion , height , weight , color of hair..... , color of eyes..... , other visible distinctive marks..... ; I was born in on the day of , anno Domini ; I now reside at ; I emigrated to the United States of America from on the vessel ; my last foreign residence was It is my *bona fide* intention to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to , of which I am now a citizen (subject); I arrived at the (port) of , in the State (Territory or District) of on or about the day of anno Domini ; I am not an anarchist; I am not a polygamist nor a believer in the practice of polygamy; and it is my intention in good faith to become a citizen of the United States of America and to permanently reside therein. So help me God.

(Original signature of declarant).....

Subscribed and sworn to (affirmed) before me this day of , anno Domini

[L. S.]

.....
(Official character of Attestor.)

PETITION FOR NATURALIZATION.

..... Court of
In the matter of the petition of to be admitted as a citizen of the United States of America.

To the Court:

The petition of respectfully shows:

First. My full name is

Second. My place of residence is number street, city of , State (Territory or District) of

Third. My occupation is

Fourth. I was born on the day of at

Fifth. I emigrated to the United States from , on or about the day of , anno Domini , and arrived at the port of , in the United States, on the vessel

Sixth. I declared my intention to become a citizen of the United States on the day of at , in the Court of

Seventh. I am married. My wife's name is She was born in and now resides at I have children, and the name, date, and place of birth and place of residence of each of said children is as follows: ;

Eighth. I am not a disbeliever in or opposed to organized government or a member of or affiliated with any organization or body of persons teaching disbelief in organized government. I am not a polygamist nor a believer in the practice of polygamy. I am attached to the principles of the Constitution of the United States, and it is my intention to become a citizen of the United States and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to , of which at this time I am a citizen (or subject), and it is my intention to reside permanently in the United States.

Ninth. I am able to speak the English language.

Tenth. I have resided continuously in the United States of America for a term of five years at least immediately preceding the date of this petition, to-wit, since , anno Domini , and in the State (Territory or District) of for one year at least next preceding

the date of this petition, to-wit, since day of, anno Domini

Eleventh. I have not heretofore made petition for citizenship to any court. (I made petition for citizenship to the court of..... at, and the said petition was denied by the said court for the following reasons and causes, to-wit,, and the cause of such denial has since been cured or removed.)

Attached hereto and made a part of this petition are my declaration of intention to become a citizen of the United States and the certificate from the Department of Commerce and Labor required by law. Wherefore your petitioner prays that he may be admitted a citizen of the United States of America.

Dated (Signature of petitioner).....

....., SS: being duly sworn, deposes and says that he is the petitioner in the above-entitled proceeding; that he has read the foregoing petition and knows the contents thereof; that the same is true of his own knowledge, except as to matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

Subscribed and sworn to before me this day of, anno Domini [L. S.]

....., Clerk of the.....Court.

AFFIDAVIT OF WITNESSES.

..... Court of In the matter of the petition of to be admitted a citizen of the United States of America.

....., SS: occupation, residing at, and occupation, residing at, each being severally, duly, and respectively sworn, deposes and says that he is a citizen of the United States of America; that he has personally known, the petitioner above mentioned, to be a resident of the United States for a period of at least five years continuously immediately preceding the date of filing his petition, and of the State (Territory or District) in which the above-entitled application is made for a period ofyears immediately preceding the date of filing his petition; and that he has personal knowledge that the said petitioner is a person of good moral character, attached to the principles of the Constitution of the United States, and that he is in every way qualified, in his opinion, to be admitted as a citizen of the United States.

Subscribed and sworn to before me this day of, nineteen hundred and [L. S.]

..... (Official character of Attestor.)

CERTIFICATE OF NATURALIZATION.

Number
Petition, volume, page

Stub, volume, page
(Signature of holder).....

Description of holder: Age; height; color;
complexion; color of eyes; color of hair; visi-
ble distinguishing marks Name, age and place of residence of
wife Names, ages, and places of residence of minor
children,,,,,,,,,,,,

....., ss:

Be it remembered, that at a term of the court of
....., held at on the day of, in the year of our
Lord nineteen hundred and, who previous to his (her)
naturalization was a citizen or subject of, at present residing at
number street, city (town), State (Territory
or District), having applied to be admitted a citizen of the United States
of America pursuant to law, and the court having found that the peti-
tioner had resided continuously within the United States for at least five
years and in this State for one year immediately preceding the date of the
hearing of his (her) petition, and that said petitioner intends to reside
permanently in the United States, had in all respects complied with the
law in relation thereto, and that ...he was entitled to be so admitted, it
was thereupon ordered by the said court that ...he be admitted as a
citizen of the United States of America.

In testimony whereof the seal of said court is hereunto affixed on the
..... day of, in the year of our Lord nineteen hundred and
....., and of our independence the

[L. S.]

(Official character of Attestor.)

STUB OF CERTIFICATE OF NATURALIZATION.

Number of certificate

Name; age

Declaration of intention, volume, page

Petition, volume....., page

Name, age, and place of residence of wife, Names,
ages, and places of residence of minor children,,,,,,

Date of order, volume, page

(Signature of holder).....

Sec. 28. That the Secretary of Commerce and Labor shall have power to make such rules and regulations as may be necessary for properly carrying into execution the various provisions of this Act. Certified copies of all papers, documents, certificates, and records required to be used, filed, recorded, or kept under any and all of the provisions of this Act shall be admitted in evidence equally with the originals in any and all

proceedings under this Act and in all cases in which the originals thereof might be admissible as evidence.

Sec. 29. That for the purpose of carrying into effect the provisions of this Act there is hereby appropriated the sum of one hundred thousand dollars, out of any moneys in the Treasury of the United States not otherwise appropriated, which appropriation shall be in full for the objects hereby expressed until June 30th, 1907; and the provisions of Section 3679 of the Revised Statutes of the United States shall not be applicable in any way to this appropriation.

Sec. 30. That all the applicable provisions of the naturalization laws of the United States shall apply to and be held to authorize the admission to citizenship of all persons not citizens who owe permanent allegiance to the United States, and who may become residents of any State or organized Territory of the United States, with the following modifications: The applicant shall not be required to renounce allegiance to any foreign sovereignty; he shall make his declaration of intention to become a citizen of the United States at least two years prior to his admission; and residence within the jurisdiction of the United States, owing such permanent allegiance, shall be regarded as residence within the United States within the meaning of the five years' residence clause of the existing law.

Sec. 31. That this Act shall take effect and be in force from and after ninety days from the date of its passage; *provided*, that Sections 1, 2, 28, and 29 shall go into effect from and after the passage of this Act.

§ 2166. Honorably Discharged Soldiers Are Exempt From Certain Formalities.

Any alien, of the age of twenty-one years and upward, who has enlisted, or may enlist, in the armies of the United States, either the regular or the volunteer forces, and has been, or may be hereafter, honorably discharged, shall be admitted to become a citizen of the United States, upon his petition, without any previous declaration of his intention to become such; and he shall not be required to prove more than one year's residence within the United States previous to his application to become such citizen; and the court admitting such alien shall, in addition to such proof of residence and good moral character, as now provided by law, be satisfied by competent proof of such person's having been honorably discharged from the service of the United States.

§ 2169 (As Amended, 1875). Aliens of African Nativity and Descent.

The provisions of this title shall apply to aliens being free white persons, and to aliens of African nativity and to persons of African descent.

§ 2171. Naturalization to Alien Enemies Prohibited.

No alien who is a native citizen or subject, or a denizen of any country, state, or sovereignty with which the United States are at war, at the time of his application, shall be then admitted to become a citizen of the United States; but persons resident within the United States, or the territories thereof, on the eighteenth day of June, 1812, who had before that day made a declaration, according to law, of their intention to become citizens of the United States, or who were on that day entitled to become citizens without making such declaration, may be admitted to become citizens thereof, notwithstanding they were alien enemies at the time and in the manner prescribed by the laws heretofore passed on that subject; nor shall anything herein contained be taken or construed to interfere with or prevent the apprehension and removal, agreeably to law, of any alien enemy at any time previous to the actual naturalization of such alien.

§ 2172. Children of Persons Naturalized Under Certain Laws to Be Citizens.

The children of persons who have been duly naturalized under any law of the United States, or who, previous to the passing of any law on that subject, by the Government of the United States, may have become citizens of any one of the states, under the laws thereof, being under the age of twenty-one years at the time of the naturalization of their parents, shall, if dwelling in the United States, be considered as citizens thereof; and the children of persons who now are, or have been, citizens of the United States, shall, though born out of the limits and jurisdiction of the United States, be considered as citizens thereof; but no person heretofore proscribed by any state, or who has been legally convicted of having joined the army of Great Britain during the Revolutionary War, shall be admitted to become a citizen without the consent of the legislature of the state in which such person was proscribed.

§ 2174. Alien Seamen of Merchant Vessels.

Every seaman, being a foreigner, who declares his intention of becoming a citizen of the United States in any competent court, and shall have served three years on board of a merchant vessel of the United States subsequent to the date of such declaration, may, on his application to any competent court, and the production of his certificate of discharge and good conduct during that time, together with the certificate of his declaration of intention to become a citizen, be admitted a citizen of the United States; and every seaman, being a foreigner, shall, after

his declaration of intention to become a citizen of the United States, and after he shall have served such three years, be deemed a citizen of the United States for the purpose of manning and serving on board any merchant vessel of the United States, anything to the contrary in any act of Congress notwithstanding; but such seaman shall, for all purposes of protection as an American citizen, be deemed such, after the filing of his declaration of intention to become such citizen.

§ 14. Naturalization of Chinese Prohibited.

That hereafter no state court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed.

Aliens Honorably Discharged From Service in Navy or Marine Corps.

Any alien of the age of twenty-one years and upward who has enlisted or may enlist in the United States Navy or Marine Corps, and has served or may hereafter serve five consecutive years in the United States navy or one enlistment in the United States Marine Corps, and has been or may hereafter be honorably discharged, shall be admitted to become a citizen of the United States upon his petition, without any previous declaration of his intention to become such; and the court admitting such alien shall, in addition to proof of good moral character, be satisfied by competent proof of such person's service in and honorable discharge from the United States Navy or Marine Corps.

AN ACT TO VALEDATE CERTAIN CERTIFICATES OF NATURALIZATION.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That naturalization certificates issued after the Act approved March 3, 1903, entitled "An act to regulate the immigration of aliens into the United States," went into effect, which fail to show that the courts issuing said certificates complied with the requirements of Section 39 of said Act, but which were otherwise lawfully issued, are hereby declared to be as valid as though said certificates complied with said section; *provided*, that in all such cases applications shall be made for new naturalization certificates, and when the same are granted, upon compliance with the provisions of said Act of 1903, they shall relate back to the defective certificates, and citizenship shall be deemed to have been perfected at the date of the defective certificate.

Sec. 2. That all the records relating to naturalization, all declarations of intention to become citizens of the United States and all certificates of naturalization filed, recorded, or issued

prior to the time when this Act takes effect in or from the criminal court of Cook County, Illinois, shall for all purposes be deemed to be and to have been made, filed, recorded, or issued by a court with jurisdiction to naturalize aliens, but shall not be by this Act further validated or legalized.

PROVISIONS OF CONSTITUTION OF OREGON RELATING TO ELECTIONS.

ARTICLE II.

SUFFRAGE AND ELECTIONS.

§ 1. Elections Free.

All elections shall be free and equal.

The Lockwood law, providing a method for holding primary elections for the selection of delegates to nominating conventions, imposes no restraint upon electors and does not deny them their proper influence and is not in conflict with this section: *Ladd v. Holmes*, 40 Or. p. 167, 66 Pac. 714.

To be "free" means that the voter shall be left to the untrammelled exercise, whether by civil or military authority, of his right or privilege; that is to say, no impediment or restraint of any character shall be imposed upon him, either directly or indirectly where-

by he shall be hindered or prevented from participation at the polls. The word "equal" has a different signification; every elector has the right to have his vote counted for all it is worth in proportion to the whole number of qualified electors desiring to exercise their privilege; so that the terms free and equal, used as they are correlatively, signify, not only that the election shall be open and untrammelled to all persons endowed with the elective franchise, but shall be closed to all not in the enjoyment of such privilege: *Ladd v. Holmes*, 40 Or. 167.

§ 2. Qualifications of Electors.

In all elections not otherwise provided for by this Constitution, every white male citizen of the United States, of the age of twenty-one years and upwards, who shall have resided in the State during the six months immediately preceding such election; and every white male of foreign birth of the age of twenty-one years and upwards, who shall have resided in the United States one year, and shall have resided in this State during the six months immediately preceding such election, and shall have declared his intention to become a citizen of the United States one year preceding such election, conformably to the laws of the United States on the subject of naturalization, shall be entitled to vote at all elections authorized by law.

The fifteenth amendment of the United States Constitution rendered of no legal force or effect this provision restricting the elective franchise to white persons: *Wood v. Fitzgerald*, 3 Or. 579.

The qualification of voters here set forth applies to general elections pro-

vided for by the Constitution, but does not apply to election of school directors. A law allowing women to vote at school elections is therefore not prohibited by this provision of the Constitution: *Harris v. Burr*, 32 Or. 360, 52 Pac. 17.

The office of county school superin-

tendent is a county office requiring of the incumbent the qualifications of a county elector; a woman not being within these qualifications is not entitled to hold such office: *State v. Stevens*, 29 Or. 473, 44 Pac. 898.

A statute requiring previous registration as a condition of exercising the right to vote is void. This section prescribes the qualification of electors,

and the legislature cannot add others: *White v. County Commissioners*, 13 Or. 319, 10 Pac. 484, 57 Am. Rep. 20.

The Lockwood law, however, prescribing registration but permitting those who have not registered to vote upon certain conditions is not unconstitutional within this provision: *Ladd v. Holmes*, 40 Or. 167, 66 Pac. 714.

§ 3. Idiots, Insane, and Convicts.

No idiotic or insane person shall be entitled to the privileges of an elector; and the privilege of an elector shall be forfeited by a conviction of any crime which is punishable by imprisonment in the penitentiary.

The term "conviction," as used here, is used in the primary and ordinary sense, and signifies proving or finding that the defendant is guilty either by the verdict of the jury, or his plea to that effect, and does not include the punishment which follows thereon. A crime is punishable by imprisonment in the penitentiary when by any law it may be so punished, and the fact that it also may be or is otherwise punished does not change its grade or character in this respect; hence where the punishment provided by statute for a certain crime was either imprisonment in the penitentiary, or a fine, and a person upon conviction by pleading guilty was punished by a fine, but not by imprisonment, he forfeited his right to vote under this provision of the constitution: *United States v. Watkins*, 6 Fed. 152.

The authority of this decision is perhaps avoided by the amendment to section 1230, of 1895, which reads: "Felony is a crime which is punishable with death or by imprisonment in the penitentiary of this State. When a crime punishable by imprisonment in the penitentiary is also punishable by a fine or imprisonment in the county jail in the discretion of the court, it shall be deemed a misdemeanor for all purposes after a judgment imposing punishment other than imprisonment in the penitentiary."

This section does not operate as a restriction on the pardoning power. Pardon by the Governor restores to the person receiving it the privileges of an elector forfeited by the crime: *Wood v. Fitzgerald*, 3 Or. 158.

§ 4. Residence.

For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, or of this State; nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any almshouse or other asylum at public expense; nor while confined in any public prison.

Though an employee of the United States, or of the State, does not gain or lose a residence by reason of his presence or absence in such service, he

may, by appropriate steps, gain a residence at such point as he may desire independently of such employment: *Wood v. Fitzgerald*, 3 Or. 568.

§ 5. Soldiers, Seamen, and Marines Not to Vote—Residence Of.

No soldier, seaman, or marine in the army or navy of the United States, or of their allies, shall be deemed to have acquired a residence in the State in consequence of having been stationed within the same; nor shall any such soldier, seaman, or marine have the right to vote.

§ 6. Negroes, Chinamen, Etc.

No negro, Chinaman, or mulatto shall have the right of suffrage.

Negroes or mulattoes born or naturalized in the United States and subject to the jurisdiction thereof by virtue of the fourteenth amendment are now citizens of the United States and the State wherein they reside, and, therefore, by virtue of the fifteenth amendment, are entitled to the right

of suffrage in this State the same as white persons; and the same is true of all persons born or naturalized in the United States and subject to the jurisdiction thereof: *The Slaughterhouse Cases*, 16 Wall. 71. See note on Article II, Section 2, *ante*.

§ 7. Bribery at Elections.

Every person shall be disqualified from holding office during the term for which he may have been elected, who shall have given or offered a bribe, threat, or reward to procure his election.

A promise by a candidate for a county office to the voters of his county that if elected he will pay a certain part of the salary of the office into the county treasury, though very objectionable on the grounds of public policy, is not an offer of a bribe or reward

within the meaning of this section, unless the voters sought to be influenced thereby are taxpayers of the county, or would in some way be benefited by the performance of the offer: *State v. Dustin*, 5 Or. 375.

§ 8. Election Laws.

The legislative assembly shall enact laws to support the privilege of free suffrage, prescribing the manner of regulating and conducting elections, and prohibiting, under adequate penalties, all undue influence therein from power, bribery, tumult, and other improper conduct.

§ 9. Penalty for Dueling.

Every person who shall give or accept a challenge to fight a duel, or who shall knowingly carry to another person such challenge, or who shall agree to go out of the State to fight a duel, shall be ineligible to any office of trust or profit.

§ 10. Lucrative Offices.

No person holding a lucrative office or appointment under the United States or under this State shall be eligible to a seat in the legislative assembly; nor shall any person hold more than one lucrative office at the same time, except as in this Constitution expressly permitted; *provided*, that offices in the militia, to which there is attached no annual salary, and the office of postmaster, where the compensation does not exceed \$100 per annum, shall not be deemed lucrative.

The office of deputy collector of internal revenue is a "lucrative office," within the meaning of this section:

Hermann's Case, Senate Journal, 1870, p. 32.

§ 11. Ineligibility to Office of Collector, When.

No person who may hereafter be a collector or holder of public moneys shall be eligible to any office of trust or profit, until he shall have accounted for and paid over, according to law, all sums for which he may be liable.

§ 12. Temporary Appointment to Office.

In all cases in which it is provided that an office shall not be filled by the same person more than a certain number of years continuously, an appointment *pro tempore* shall not be reckoned a part of that term.

§ 13. Privileges of Electors.

In all cases except treason, felony, and breach of the peace, electors shall be free from arrest in going to elections, during their attendance there, and in returning from the same; and no elector shall be obliged to do duty in the militia on any day of election, except in time of war or public danger.

§ 14. Time of Holding Elections.

The regular general biennial election in Oregon for the year A. D. 1910 and thereafter shall be held on the first Tuesday after the first Monday in November. All officers except the Governor, elected for a six-year term in 1904 or for a four-year term in 1906, or for a two-year term in 1908, shall continue to hold their respective offices until the first Monday in January, 1911; and all officers except the Governor, elected at any regular general biennial election after the adoption of this amendment, shall assume the duties of their respective offices on the first Monday in January following such election. All laws pertaining to the nomination of candidates, registration of voters, and all other things incident to the holding of the regular biennial election shall be enforced and be effected the same number of days before the first Tuesday after the first Monday in November that they have heretofore been before the first Monday in June biennially, except as may hereafter be provided by law.

NOTE.—The foregoing amendment was submitted to the people by the legislative assembly and approved by the majority of the votes cast thereon at the general election held June 1, 1908. There were 65,728 votes cast

for said amendment and 18,590 against, and under the provisions of law, by a proclamation of the Governor, dated June 23, 1908, took effect on said date.
—Secretary of State.

§ 15. How Votes to Be Given.

In all elections by the legislative assembly, or by either branch thereof, votes shall be given openly or *viva voce*, and not by ballot forever, and in all elections by the people, votes

shall be given openly or *viva voce*, until the legislative assembly shall otherwise direct.

"Election," as here used, is equivalent to "appointment": *State v. Thompson*, 34 Or. 33, 54 Pac. 349.

§ 16. Plurality Elects—Provision for Proportional Representation.

In all elections authorized by this Constitution until otherwise provided by law, the person or persons receiving the highest number of votes shall be declared elected, but provision may be made by law for elections by equal proportional representation of all the voters for every office which is filled by the election of two or more persons whose official duties, rights, and powers are equal and concurrent. Every qualified elector resident in his precinct and registered as may be required by law, may vote for one person under the title for each office. Provision may be made by law for the voter's direct or indirect expression of his first, second or additional choices among the candidates for any office. For an office which is filled by the election of one person it may be required by law that the person elected shall be the final choice of a majority of the electors voting for candidates for that office. These principles may be applied by law to nominations by political parties and organizations.

NOTE.—The foregoing amendment was proposed by the people by initiative petition and approved by a majority of the votes cast thereon at the general election held June 1, 1908. There were 48,868 votes cast for said amendment, and 34,128 against; and under the provisions of law, by a proclamation of the Governor, dated June 23, 1908, it took effect on said date.—*Secretary of State*.

§ 17. Place of Voting.

All qualified electors shall vote in the election precinct in the county where they may reside for county officers, and in any county in the State for State officers, or in any county of a congressional district in which such electors may reside for members of Congress.

When an individual is a *bona fide* resident of a county, but has no fixed residence or domicile in any particular precinct therein, he may vote in any precinct in which he finds himself on the day of election: *Wood v. Fitzgerald*, 3 Or. 568.

Failure to vote for precinct officers raises no presumption that the voter was not a resident of the precinct: *Van Winkle v. Crabtree*, 34 Or. 478, 55 Pac. 831.

§ 18. Recall.

Every public officer in Oregon is subject, as herein provided, to recall by the legal voters of the State or of the electoral district from which he is elected. There may be required twenty-five per cent, but not more, of the number of electors who voted in his district at the preceding election for justice of the Supreme Court to file their petition demanding

his recall by the people. They shall set forth in said petition the reasons for said demand. If he shall offer his resignation, it shall be accepted and take effect on the day it is offered, and the vacancy shall be filled as may be provided by law. If he shall not resign within five days after the petition is filed, a special election shall be ordered to be held within twenty days in his said electoral district to determine whether the people will recall said officer. On the sample ballot at said election shall be printed in not more than two hundred words, the reasons for demanding the recall of said officer as set forth in the recall petition, and in not more than two hundred words, the officer's justification of his course in office. He shall continue to perform the duties of his office until the result of said special election shall be officially declared. Other candidates for the office may be nominated to be voted for at said special election. The candidate who shall receive the highest number of votes shall be deemed elected for the remainder of the term, whether it be the person against whom the recall petition was filed, or another. The recall petition shall be filed with the officer with whom a petition for nomination to such office should be filed, and the same officer shall order the special election when it is required. No such petition shall be circulated against any officer until he has actually held his office six months, save and except that it may be filed against a senator or representative in the legislative assembly at any time after five days from the beginning of the first session after his election. After one such petition and special election, no further recall petition shall be filed against the same officer during the term for which he was elected unless such further petitioners shall first pay into the public treasury which has paid such special election expenses, the whole amount of its expenses for the preceding special election. Such additional legislation as may aid the operation of this section shall be provided by the legislative assembly, including provision for payment by the public treasury of the reasonable special election campaign expenses of such officer. But the words "the legislative assembly shall provide" or any similar or equivalent words in this Constitution or any amendment thereto, shall not be construed to grant to the legislative assembly any exclusive power of law-making nor in any way to limit the initiative and referendum powers reserved by the people.

NOTE.—The foregoing amendment was proposed by the people by initiative petition and approved by a majority of the votes cast therein at the general election held June 1, 1908. There were 58,381 votes cast for said

amendment, and 31,002 against; and under the provisions of law, by a proclamation of the Governor, dated June 23, 1908, it took effect on said date.—*Secretary of State.*

CONSTITUTIONAL PROVISIONS RELATING TO ELECTIONS.

ARTICLE IV.**LEGISLATIVE DEPARTMENT.****§ 1. Legislative Authority—Style of Bill—Initiative and Referendum.**

The legislative authority of the State shall be vested in a legislative assembly, consisting of a Senate and House of Representatives, but the people reserve to themselves power to propose laws and amendments to the Constitution and to enact or reject the same at the polls, independent of the legislative assembly, and also reserve power at their own option to approve or reject at the polls any act of the legislative assembly. The first power reserved by the people is the initiative, and not more than eight per cent of the legal voters shall be required to propose any measure by such petition, and every such petition shall include the full text of the measure so proposed. Initiative petitions shall be filed with the Secretary of State not less than four months before the election at which they are to be voted upon. The second power is the referendum, and it may be ordered (except as to laws necessary for the immediate preservation of the public peace, health or safety), either by the petition signed by five per cent of the legal voters, or by the legislative assembly, as other bills are enacted. Referendum petitions shall be filed with the Secretary of State not more than ninety days after the final adjournment of the session of the legislative assembly which passed the bill on which the referendum is demanded. The veto power of the Governor shall not extend to measures referred to the people. All elections on measures referred to the people of the State shall be had at the biennial regular general elections, except when the legislative assembly shall order a special election. Any measure referred to the people shall take effect and become the law when it is approved by a majority of the votes cast thereon, and not otherwise. The style of all bills shall be: "Be it enacted by the people of the State of Oregon." This section shall not be construed to deprive any member of the legislative assembly of the right to introduce any measure. The whole number of votes cast for Justice of the Supreme Court at the regular election last preceding the filing of any petition for the initiative or for the referendum shall be the basis on which the number of legal voters necessary to sign such petition shall be counted. Petitions and orders for the initiative and for the referendum shall be filed with the Secretary of State, and in

submitting the same to the people he, and all other officers, shall be guided by the general laws and the act submitting this amendment, until legislation shall be especially provided therefor.

The above section is an amendment to the original Constitution, and was adopted by the Twentieth Legislative Assembly; adopted by the Twenty-

first Legislative Assembly; adopted by the people, by vote of 62,024 for, to 5,668 against it, June 2, 1902.

§ 1a. Initiative and Referendum on Local, Special, and Municipal Laws and Parts of Laws.

The referendum may be demanded by the people against one or more items, sections, or parts of any act of the Legislative Assembly in the same manner in which such power may be exercised against a complete act. The filing of a referendum petition against one or more items, sections, or parts of an act shall not delay the remainder of that act from becoming operative. The initiative and referendum powers reserved to the people by this Constitution are hereby further reserved to the legal voters of every municipality and district, as to all local, special, and municipal legislation, of every character, in or for their respective municipalities and districts. The manner of exercising said powers shall be prescribed by general laws, except that cities and towns may provide for the manner of exercising the initiative and referendum powers as to their municipal legislation. Not more than ten per cent of the legal voters may be required to order the referendum nor more than fifteen per cent to propose any measure, by the initiative, in any city or town.

The above section was proposed by initiative petition filed in the office of the Secretary of State February 3, 1906, and adopted by vote of the people, 47,678 for, and 16,735 against, June 4, 1906. It went into effect by proclamation of the Governor issued June 25, 1906.

Section 1 as originally adopted was

as follows: "The legislative authority of the State shall be vested in the Legislative Assembly which shall consist of a Senate and House of Representatives. The style of every bill shall be 'Be it enacted by the Legislative Assembly of the State of Oregon,' and no law shall be enacted except by bill."

§ 3. By Whom Chosen.

The senators and representatives shall be chosen by the electors of the respective counties or districts into which the State may from time to time be divided by law.

§ 4. Term of Office—Senators, How Classified.

The senators shall be elected for the term of four years, and representatives for the term of two years from the day next after their general elections; *provided, however,* that the senators-elect, at the first session of the legislative assembly under this constitution, shall be divided by lot into two equal classes, as nearly as may be; and the seats of senators

of the first class shall be vacated at the expiration of two years, and those of the second class at the expiration of four years; so that one-half, as nearly as possible, shall be chosen biennially forever thereafter. And in case of the increase of the number of senators, they shall be so annexed by lot to one or the other of the two classes as to keep them as nearly equal as possible.

§ 11. Election of Officers—Judge of Qualification of Members, Etc.

Each house, when assembled, shall choose its own officers, judge of the election, qualifications, and returns of its own members, determine its own rules of proceeding, and sit upon its own adjournments; but neither house shall, without the concurrence of the other, adjourn for more than three days, nor to any other place than that in which it may be sitting.

§ 23. What Local and Special Laws Prohibited.

The legislative assembly shall not pass special or local laws in any of the following enumerated cases, that is to say—

1. Regulating the jurisdiction and duties of justices of the peace, and of constables;
2. For the punishment of crimes and misdemeanors;
3. Regulating the practice in courts of justice;
4. Providing for changing the venue in civil and criminal cases;
5. Granting divorces;
6. Changing the names of persons;
7. For laying, opening, and working on highways, and for the election or appointment of supervisors;
8. Vacating roads, town plats, streets, alleys, and public squares;
9. Summoning and impaneling grand and petit jurors;
10. For the assessment and collection of taxes for state, county, township, or road purposes;
11. Providing for supporting common schools, and for the preservation of school funds;
12. In relation to interest on money;
13. Providing for opening and conducting the elections of state, county, and township officers, and designating the places of voting;
14. Providing for the sale of real estate belonging to minors or other persons laboring under legal disabilities, by executors, administrators, guardians, or trustees.

ARTICLE V.

EXECUTIVE DEPARTMENT.

§ 1. Executive Power—Term of Office.

The chief executive power of the State shall be vested in a Governor, who shall hold his office for the term of four years; and no person shall be eligible to such office more than eight in any period of twelve years.

§ 2. Qualifications of Governor.

No person, except a citizen of the United States, shall be eligible to the office of Governor, nor shall any person be eligible to that office who shall not have attained the age of thirty years, and who shall not have been three years next preceding his election a resident within this State.

§ 3. Who Not Eligible.

No member of Congress, or person holding any office under the United States, or under this State, or under any other power, shall fill the office of Governor except as may be otherwise provided in this Constitution.

§ 4. Election of Governor.

The Governor shall be elected by the qualified electors of the State at the times and places of choosing members of the legislative assembly, and the returns of every election for Governor shall be sealed up and transmitted to the Secretary of State, directed to the speaker of the house of representatives, who shall open and publish them in the presence of both houses of the legislative assembly.

§ 5. In Case of Tie.

The person having the highest number of votes for Governor shall be elected; but in case two or more persons shall have an equal, and the highest number of votes for Governor, the two houses of the legislative assembly, at the next regular session thereof, shall forthwith, by joint vote, proceed to elect one of the said persons Governor.

§ 6. Contested Elections.

Contested elections for Governor shall be determined by the legislative assembly in such manner as may be prescribed by law.

§ 17. Issue Writs of Election.

He shall issue writs of election to fill such vacancies as may have occurred in the legislative assembly.

ARTICLE VI.**ADMINISTRATIVE DEPARTMENT.****§ 1. Election of Secretary and Treasurer of State.**

There shall be elected by the qualified electors of the State, at the time and places of choosing members of the legislative assembly, a Secretary and Treasurer of State, who shall severally hold their offices for the term of four years; but no person shall be eligible to either of said offices more than eight in any period of twelve years.

§ 6. County Officers.

There shall be elected in each county, by the qualified electors thereof, at the time of holding general elections, a county clerk, treasurer, sheriff, coroner, and surveyor, who shall severally hold their offices for the term of two years.

§ 7. Other Officers.

Such other county, township, precinct, and city officers as may be necessary shall be elected or appointed in such manner as may be prescribed by law.

ARTICLE VII.**JUDICIAL DEPARTMENT.****§ 1. Judicial Power of State, in Whom Vested.**

The judicial powers of the State shall be vested in one Supreme Court and in such other courts as may from time to time be created by law. The judges of the Supreme and other courts shall be elected by the legal voters of the State or of their respective districts for a term of six years, and shall receive such compensation as may be provided by law, which compensation shall not be diminished during the term for which they are elected.

§ 2. Judicial System Otherwise to Remain Unchanged.

The courts, jurisdiction, and judicial system of Oregon, except so far as expressly changed by this amendment, shall

remain as at present constituted until otherwise provided by law. But the Supreme Court may, in its own discretion, take original jurisdiction in mandamus, *quo warranto*, and *habeas corpus* proceedings.

§ 7. Supreme Judge, Oath of.

Every judge of the Supreme Court, before entering upon the duties of his office, shall take and subscribe, and transmit to the Secretary of State, the following oath:

"I, _____, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Oregon, and that I will faithfully and impartially discharge the duties of a judge of the Supreme Court of this State, according to the best of my ability, and that I will not accept any other office, except judicial offices, during the term for which I have been elected."

NOTE.—Amendment to Article VII was submitted to the people by initiative petition filed in the office of the Secretary of State July 7, 1910, and approved by a majority of the votes cast thereon at the general elec-

tion held on the 8th day of November, 1910. There were 44,538 votes cast for said amendment and 39,399 against, and was proclaimed by the Governor on December 3, 1910.

NOTE.—As shown by Section 2, Article VII, as amended, above given, the courts and other officers created under said article before amendment are continued until changed by law. The following sections of the original article relating to elective officers are therefore given.

§ 11. County Judges and Terms of County Court.

There shall be elected in each county, for the term of four years, a county judge, who shall hold the county court at times to be regulated by law.

§ 15. County Clerk, Etc.—Legislature May Divide Duties of County Clerk.

A county clerk shall be elected in each county for the term of two years, who shall keep all the public records, books, and papers of the county, record conveyances, and perform the duties of clerk of the circuit and county courts, and such other duties as may be prescribed by law; but whenever the number of voters in any county shall exceed twelve hundred, the legislative assembly may authorize the election of one person as clerk of the circuit court, one person as clerk of the county court, and one person recorder of conveyances.

§ 16. Sheriff.

A sheriff shall be elected in each county for the term of two years, who shall be the ministerial officer of the circuit and

county courts, and shall perform such other duties as may be prescribed by law.

§ 17. Prosecuting Attorneys.

There shall be elected by districts comprised of one or more counties, a sufficient number of prosecuting attorneys, who shall be the law officers of the State, and of the counties within their respective districts, and shall perform such duties pertaining to the administration of law and general police as the legislative assembly may direct.

ARTICLE XII.

STATE PRINTER.

§ 1. Election, Qualifications, Duties, Compensation, Etc.

Laws may be enacted providing for the State printing and binding, and for the election or appointment of a State Printer, who shall have had not less than ten years' experience in the art of printing. The State Printer shall receive such compensation as may from time to time be provided by law. Until such laws shall be enacted the State Printer shall be elected and the printing done as heretofore provided by this Constitution and the general laws.

NOTE.—The above section was proposed by initiative petition filed in the office of the Secretary of State Feb. 3, 1906, and adopted by vote of the people

63,479 for, and 9,571 against, June 4, 1906. It went into effect upon proclamation of the Governor June 25, 1906.

ARTICLE XVII.

AMENDMENTS.

§ 1. Amendments to Constitution, How Made.

Any amendment or amendments to this constitution may be proposed in either branch of the legislative assembly, and if the same shall be agreed to by a majority of all the members elected to each of the two houses, such proposed amendment or amendments shall, with the yeas and nays thereon, be entered in their journals and referred by the Secretary of State to the people for their approval or rejection, at the next regular general election, except when the legislative assembly shall order a special election for that purpose. If a majority of the electors voting on any such amendment shall vote in favor thereof, it shall thereby become a part of this constitution. The votes for and against such amendment or amendments, severally, whether proposed by the legislative assembly or by initiative petition, shall be canvassed by the Secretary

of State in the presence of the Governor, and if it shall appear to the Governor that the majority of the votes cast at said election on said amendment or amendments, severally, are cast in favor thereof, it shall be his duty forthwith after such canvass, by his proclamation, to declare the said amendment or amendments, severally, having received said majority of votes to have been adopted by the people of Oregon as part of the constitution thereof, and the same shall be in effect as a part of the constitution from the date of such proclamation. When two or more amendments shall be submitted in the manner aforesaid to the voters of this State, at the same election, they shall be so submitted that each amendment shall be voted on separately. No convention shall be called to amend or propose amendments to this constitution, or to propose a new constitution, unless the law providing for such convention shall first be approved by the people on a referendum vote at a regular general election. This article shall not be construed to impair the right of the people to amend this constitution by vote upon an initiative petition therefor.

The above section, which takes the place of the original sections 1 and 2, was proposed by initiative petition, filed in the office of the Secretary of State, February 3, 1906, and adopted

by vote of the people, 47661 for, and 18,751 against, June 4, 1906. It went into effect upon proclamation of the Governor, June 25, 1906.

HOLIDAYS.

§ 6026. Legal Holidays, What Are.

The following days shall be and are hereby declared to be legal holidays in this State, to wit: Every Sunday, the first day of January, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the first Monday in September, the twenty-fifth day of December, and every day on which an election is held throughout the State, and every day appointed by the President of the United States or by the Governor of this State as a day of public fasting, thanksgiving or holiday. Whenever any legal holiday other than a Sunday falls upon Sunday, the Monday following shall be and be observed as such holiday. Negotiable instruments falling due on any legal holiday shall be due and payable on the next succeeding business day.

Columbus Day.

That the 12th day of October of each year shall be and the same is hereby set apart and declared to be a public holiday under the name and title of "Columbus Day." [Laws 1911, chapter 10.]

STATUTES RELATING TO ELECTORS.

OF OFFENSES AGAINST THE SUFFRAGE.**§ 2029. Bribing or Offering to Bribe Officer.**

If any person shall corruptly give, offer, or promise to give any gift, gratuity, valuable consideration, or thing whatever, or shall corruptly promise to do or cause to be done any act beneficial to any judicial, legislative, or executive officer, or shall intimidate, attempt to intimidate, or shall threaten any injury to the person or property of such or any judicial, legislative or executive officer with intent to influence the vote, opinion, decision, judgment, or other official conduct of such officer in any matter, question, duty, cause or proceeding, which then is or by law may come or be brought before such officer, or with intent to influence such officer to act in his official capacity in a particular manner so as to produce or prevent any particular result, such person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than one nor more than ten years, or by imprisonment in the county jail not less than one month nor more than one year, or by a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000).

§ 2055. Bribing or Offering to Bribe Voter.

If any person shall give, offer, or promise to give any gift, gratuity, valuable consideration, or thing whatever to any voter of this State, or shall promise to do or cause to be done any act beneficial to such voter, with intent to influence or induce such voter to vote at any legally authorized election in this State for or against a particular person or candidate, or in a particular way, such person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than one year nor more than five years, or by imprisonment in the county jail not less than three months nor more than one year.

§ 2056. Voter Receiving Bribe or Promise of the Same.

If any voter of this State shall accept or receive any gift, gratuity, valuable consideration, or thing, or any promise thereof, or any promise to do or cause to be done any act beneficial to such voter, with the understanding or agreement, express or implied, that such voter will, at any legally authorized election in this State, give his vote for or against a particular person or candidate, or in a particular way, such voter, upon conviction thereof, shall be punished by imprisonment in the

penitentiary not less than one year nor more than five years, or by imprisonment in the county jail not less than three months nor more than one year.

§ 2057. Voter—Definition Of—Punishment for Second Crime.

A person who actually votes, or offers to vote at the election specified and designated in sections 2055 and 2056, although by law he may not be entitled to vote thereat, shall be held and deemed to be a voter within the meaning of such sections 2055 and 2056, and for the purposes therein expressed. If any person, having been convicted of any crime defined in sections 2055 and 2056, shall afterwards be convicted of the same or any other crime therein defined, such person shall be punished by imprisonment in the penitentiary as therein provided, and not otherwise.

§ 2058. Voting or Offering to Vote Illegally.

If any person shall vote, or offer to vote, at any legally authorized election in this State, knowing himself not entitled by law to vote thereat, or shall vote, or offer to vote, at any poll or in any precinct at any such election, knowing himself not entitled to vote at such poll or in such precinct, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than \$100 nor more than \$500.

§ 2059. Violence to Prevent Person From Voting, Etc.—Punishment Of.

If any person or persons shall by menace, threat, or violence, whether armed or unarmed, intimidate or prevent, or attempt to intimidate or prevent any person from challenging another voter, or to prevent any person from voting, such person or persons so offending shall, upon conviction, be punished by imprisonment in the county jail not less than three months nor more than one year.

§ 2060. Intimidation of Voters by Corporations, Etc.

Any person or corporation who directly or indirectly uses any force, violence, or restraint, or inflicts or threatens to inflict any injury, damage, harm, or loss, or in any other manner practices intimidation upon or against any person in his or its employ, in order to induce or compel such person to refrain from voting at any election, or to vote or to refrain from voting for or against any person or persons, or for or against any proposition submitted to the voters at such election, or to place or cause to be placed, or refrain from placing or causing to be placed, his name upon a registry of voters, or on account of

any person having so voted or refrained from voting at such election, or having registered or refrained from registering as a voter; or by abduction, duress, or any forcible or fraudulent device or contrivance whatsoever impedes, prevents, or otherwise interferes with the free exercise of the elective franchise by any such employee; or compels, induces, or prevails upon any voter to give or refrain from giving his vote for or against any particular person or proposition, at any election; or, being an employer, pays his employee the salary or wages due him in pay envelopes upon which there is written or printed any political motto, device, or argument containing threats, expressed or implied, intended or calculated to influence the political opinions or actions of such employees; or within ninety days of a general election puts or otherwise exhibits in the establishment or place where his employees are engaged in labor, any handbill or placard containing any threat, notice, or information that if any particular ticket or candidate is elected or defeated, work in his place or establishment will cease in whole or in part, his establishment be closed up or the wages of his employees reduced, or other threats, expressed or implied, intended or calculated to influence the political opinions or actions of his or its employee, is guilty of a misdemeanor.

§ 2061. Penalty for Violating Last Section.

Any person or corporation found guilty of a violation of any of the provisions of the preceding section of this act shall be fined in a sum not less than \$100 nor more than \$1,000, and if a corporation, shall in addition, forfeit its charter.

§ 2062. Importing Voters a Felony.

Any person who shall by promise of favor or reward, or otherwise, induce or persuade any person to come into this State, or into any county or precinct within this State, for the purpose and with the intent that such person shall, by so changing his habitation, vote at any general election which may hereafter be held in this State, at any place where such voter or person is not a *bona fide* resident, shall be deemed guilty of a felony, and upon conviction thereof shall be punished as hereinafter provided.

State v. Reed, 52 Or. 377.

§ 2063. Inducing Voters to Absent Themselves, a Felony.

Any person shall also be deemed guilty of a felony who shall by promises of favor or reward, or otherwise, induce or persuade any voter within this State to absent himself

from his actual and *bona fide* place of residence with intent to prevent or hinder such person from voting at such place of residence at any general election in this State.

§ 2064. Inducing Voters to Stay Away From Polls, a Felony.

Any person who shall, in the manner provided in the preceding section, induce or persuade any legal voter to remain away from the polls, and not vote at any general election in this State shall, on conviction, be deemed guilty of a felony.

§ 2065. Penalty for Violating the Preceding Three Sections.

Any person, upon conviction for a violation of either of the three preceding sections, shall be imprisoned in the penitentiary not less than one nor more than three years, or shall be fined not less than \$100 nor more than \$1,000, or shall be punished by both such fine and imprisonment, in the discretion of the court, and shall be forever ineligible to hold any office of trust or profit in this State.

§ 2066. Negligence or Corruption of Officers of Election.

If any judge or clerk of an election, or other officer or person on whom any duty is enjoined by law relative to any election authorized by law, or to the return or canvassing of votes given at any such election, shall be guilty of any willful neglect of such duty, or of any corrupt conduct in the discharge of the same, such judge, clerk, officer, or other person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than one year nor more than three years, or by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than \$100 nor more than \$500.

§ 2067. Disorderly Conduct at Polls.

If any person shall behave in a riotous, disorderly, or tumultuous manner at or in the immediate vicinity of any poll or place of voting during the progress of any election authorized by law, or shall willfully and wrongfully disturb or interrupt the officers or either of them engaged in holding any such election, or any person being in such vicinity and voting or attempting or intending to vote thereat, such person, upon conviction thereof, shall be punished by imprisonment in the county jail not less than one month nor more than one year, or by fine not less than \$50 nor more than \$500.

§ 2130. Disposing of Liquor on Election Day—Penalty Therefor.

It shall be unlawful in this State for any person to barter, sell, give away, or in any manner dispose of any intoxicating

liquor on the day of any general or special election of state, county, or municipal officers, within the state, district, county, or corporation in which such election is held. Any person violating the provisions of this act shall, upon conviction thereof, be punished by a fine of not less than \$25 nor more than \$200, or by imprisonment in the county jail not less than ten nor more than thirty days, or both, in the discretion of the court.

§ 2131. Violations of Act to Be Reported to Grand Jury—Fines, How Disposed Of.

It is hereby made the duty of all magistrates, sheriffs, and constables to report to the grand jury all violations of the provisions of this act which may come to their knowledge in their respective counties; and all fines collected under this act shall be paid into and become a part of the common school fund of the county in which the same shall be collected.

CONGRESSIONAL APPORTIONMENT.

§ 2586. State, How Divided Into Congressional Districts.

That the State of Oregon be and the same is hereby portioned into three congressional districts and that the same are hereby established and shall be respectively composed as herein set forth, to wit: The first district shall be composed of the counties of Benton, Clackamas, Clatsop, Columbia, Coos, Curry, Douglas, Jackson, Josephine, Lane, Lincoln, Linn, Marion, Polk, Tillamook, Washington and Yamhill. The second district shall be composed of the counties of Baker, Crook, Gilliam, Grant, Hood River, Harney, Klamath, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, Wheeler and Wasco. The third district shall be composed of the county of Multnomah.

Section 2. It is hereby expressly provided that this act shall take effect and become operative from and after such time as the Congress of the United States shall re-apportion the number of Representatives in such manner that the State of Oregon shall be entitled to elect three representatives to Congress, and this act shall not take effect or become operative before such time, and until this act takes effect Section 2586 as the same read prior to the taking effect of this act shall continue in full force and effect. [Laws 1911, chapter 180.]

ELECTION OF OFFICERS, STATE AND DISTRICT.**§ 2587. Election of Congressmen, When Held.**

One representative to the congress of the United States shall be elected in each of the districts before enumerated on the first Monday in June in the year of our Lord 1892, and one in each of said districts every two years thereafter. Such election shall be held and the returns thereof made and canvassed in the manner provided by law.

§ 2609. Governor to Issue Certificates of Election to Senators and Congressmen.

He shall grant certificates to members duly elected to the senate of the United States, and also to members of congress, which shall be signed by him, and countersigned by the Secretary of State, under the seal of the State.

OF THE ATTORNEY GENERAL.**§ 2667. Election, and When Held.**

There shall be elected by the qualified electors of the State of Oregon, at the general election held in June, 1894, and each fourth year thereafter, an Attorney General who shall hold his office for the term of four years and until his successor is elected and qualified.

§ 2672. Certificate of Election and Oath of Office to Be Filed.

Before entering upon the duties of his office the Attorney General shall qualify by filing with the Secretary of State his certificate of election or of his appointment, with his oath of office indorsed thereon.

OF THE STATE PRINTER.**State Printer, Election Of—Qualifications.**

There shall be elected by the qualified electors of the State of Oregon at the general election in November, 1914, and at the general election every four years thereafter, a State Printer, who shall have had not less than ten years' experience in the art of printing and who shall perform all the public printing for the State of Oregon. The State Printer shall be provided by the State Printing Board, with a suitable office and printing plant at the State Capital, together with all supplies, materials, and equipment necessary to carry out the duties of his office and his office shall be conducted as are the executive offices of the State. [Laws 1911, chapter 266.]

OF THE JUDGES AND TERMS OF THE SUPREME AND
CIRCUIT COURTS.

§ 2744. Supreme and Circuit Judges Elected in District Classes.

Hereafter there shall be elected Supreme and circuit judges in distinct classes as hereinafter provided.

§ 2745. Supreme Judges—Election and Term of Office.

On the first Monday of June, 1880, there shall be elected three Justices of the Supreme Court, whose terms of office shall commence on the first Monday of July, 1880, and continue, one for six years, one for four years, and one for two years; said terms to be allotted among themselves on the first day of the first regular term of court after their election; and at every general election after the said first Monday in June, 1880, there shall be elected one or more Justices of the Supreme Court to fill any vacancy that may occur by expiration of the term, death, resignation, or removal.

§ 2748. Election of Additional Justices—Terms.

In addition to the three Justices of the Supreme Court now in office and hereafter to be elected as provided by law, there shall be elected two additional Justices, as follows: One at the next regular general election to be held on the first Tuesday after the first Monday in November, 1910, for the term of four years, and four years thereafter his successor shall be elected for the term of six years, and every six years thereafter; and one at the next regular general election to be held in November, 1910, for the term of six years, and every six years thereafter. Each of said additional Justices shall assume the duties of his office on the first Monday in January following his election, and shall serve for the term of six years except as herein otherwise provided and until his successor has been elected and qualified; and at every general election held after 1910 there shall be elected one or more Justices of the Supreme Court to fill any vacancy that may occur by expiration of the term, death, resignation, or removal from office of either of said additional justices of the Supreme Court.

§ 2775. Election of Circuit Judges.

There shall be elected on the first Monday in June, 1880, a circuit judge in each of the judicial districts as they now exist in this State, whose terms of office shall commence on the first Monday in July, 1880, and continue for six years, and until their successors are elected and qualified; and at the general election in 1886, and every six years thereafter, there

shall be elected a circuit judge in each of the said judicial districts, whose terms of office shall commence on the first Monday in July thereafter, and continue for six years, and until their successors are elected and qualified.

§ 2776. Sixth District, Election of Judge.

There shall be elected on the first Monday in June, 1884, a circuit judge in the sixth judicial district, created by this act, whose term of office shall commence on the first Monday in July, 1884, and continue for two years, and until his successor is elected and qualified; and at the general election in 1886, and every six years thereafter, there shall be elected a circuit judge in said sixth judicial district, whose term of office shall commence on the first Monday in July thereafter, and continue for six years, and until his successor is elected and qualified.

§ 2777. Seventh District, Election of Judge.

At the general election in 1886, and every six years thereafter, there shall be elected a circuit judge in said seventh judicial district, whose term of office shall commence on the first Monday in July thereafter, and continue for six years, and until his successor is elected and qualified; and at the same time, and every two years thereafter, there shall be elected a prosecuting attorney in said seventh judicial district whose term of office shall commence on the first Monday in July thereafter, and continue for two years, and until his successor is elected and qualified.

§ 2778. Eighth District, Election of Judge.

At the general election in 1906, there shall be elected a circuit judge of said eighth judicial district for the period of six years, whose term of office shall commence on the first Monday of July thereafter, and who shall hold said office until his successor is elected and qualified.

§ 2779. Ninth District, Election of Judge.

There shall be elected in and for the said ninth judicial district, in the same manner as other judges are elected, a circuit judge for said ninth judicial district who shall be elected at the general election held in the State of Oregon for the year 1898, and every six years thereafter, and who shall hold the office of circuit judge of said district for the period of six years, and until his successor is elected and qualified.

§ 2780. Tenth District, Election of Judge.

There shall be elected in said tenth judicial district, in the same manner as the other circuit judges are elected, a circuit

judge for said tenth judicial district, who shall be elected at the general election to be held in the State of Oregon for the year 1908, and every six years thereafter, and who shall hold the office of circuit judge of said district for the period of six years and until his successor is elected and qualified.

§ 2781. Eleventh District, Election of Judge.

At the general election in the year 1908, and each six years thereafter, there shall be elected a circuit judge of said eleventh judicial district for the period of six years, whose term of office shall commence on the first Monday in July thereafter, and who shall hold office until his successor is elected and qualified.

§ 2782. First and Thirteenth Districts, Election of Judges In.

From and after the passage of this act the circuit judges of the first judicial district of the State of Oregon, as heretofore constituted, respectively residing in the first and thirteenth judicial districts as constituted by this act, shall be the judges of the first and thirteenth districts respectively, and shall hold their offices until the first Monday in January, 1911, and until their successors have been elected and qualified. At the regular general election held in November, 1910, there shall be a circuit judge elected in each of said [first and thirteenth] districts for the term of six years, who shall possess the qualifications provided by law for judge of the circuit court, and whose term of office shall begin on the first Monday in January, 1911.

§ 2783. Additional Judge in the First District.

In addition to the circuit judge now provided for by law, there shall be elected on the first Monday of June, 1892, and on the same day of June every six years thereafter, a circuit judge in and for the first judicial district of the State of Oregon, who shall possess the qualifications prescribed by law for circuit judges of this State, and whose term of office shall begin on the first Monday in July, 1892, and who shall hold office and discharge the duties thereof for six years from said day, and until his successor is elected and qualified.

§ 2784. Additional Judge in the Second District.

In addition to the circuit judge now provided for by law, there shall be elected on the first Monday in June, 1906, and on the same day of June every six years thereafter, a circuit judge in and for the second judicial district of the State of Oregon, who shall possess the qualifications prescribed by law for circuit judges of this State, and whose term of office shall

begin on the first Monday in July, 1906, and who shall hold office and discharge the duties thereof for six years from said date, and until his successor is elected and qualified.

§ 2786. Third Judge in Second District.

In addition to the circuit judges now provided for by law, there shall be elected, on the first Tuesday after the first Monday in November, 1910, and on the same day of November every six years thereafter, a circuit judge for the second judicial district of the State of Oregon, who shall possess the qualifications prescribed by law for circuit judges of this State, and who shall hold office and discharge the duties thereof for six years from said date, and until his successor is elected and qualified.

§ 2788. Second Judge in Third District.

In addition to the circuit judges now provided for by law, there shall be elected by the qualified voters of the third judicial district of the State of Oregon, at the general election to be held in June, 1894, a circuit judge for said district, and in like manner his successor shall be elected at the general election to be held in June, 1898, and every six years thereafter; *provided*, that any judge elected under this act shall qualify and enter upon the discharge of his duties on the first Monday in July next after his election, and shall continue in office until the election and qualification of his successor.

§ 2790. Additional Judge in Fourth District.

In addition to the circuit judges now provided for by law, there shall be elected on the first Monday of June, 1886, and at the general election every six years thereafter, a circuit judge in the fourth judicial district of this State, who shall possess the qualifications prescribed by law for circuit judges, and whose term of office shall commence on the first Monday of July, 1886, and on the same day of the month every six years thereafter, and continue in office six years, and until his successor is elected and qualified.

§ 2791. Two Additional Judges, Making Four Judges in Fourth District.

In addition to the two circuit judges now provided for by law, there shall be elected on the first Monday in June, 1894, and at the general election every six years thereafter, two circuit judges in the fourth judicial district of this State, who shall possess the qualifications prescribed by law for circuit

judges, and whose terms of office shall commence on the first Monday of July, 1894, and who shall hold said office for the term of six years, and until their successors are elected and qualified.

§ 2792. Fifth Judge in Fourth District.

In addition to the four circuit judges now provided for by law there shall be elected on the first Tuesday after the first Monday in November, A. D. 1910, and at the general election every six years thereafter one circuit judge in the fourth judicial district of this State who shall possess the qualifications prescribed by law for circuit judges and whose term of office shall commence on the first Monday in January, A. D. 1911, and who shall hold office for the term of six years, and until his successor is elected and qualified.

§ 2794. Department for Which Each Judge Elected to Be Stated on Ballots.

At every general election ensuing after this act goes into effect at which there is to be one or more circuit judges elected in said district, the department for which each judge is to be elected shall be stated upon the ballots.

§ 2795. Additional Judge for Fifth District, Where to Reside.

In addition to the circuit judge now provided for by law for the fifth judicial district of the State of Oregon, there is hereby created an additional judge for said district, who shall be a resident of Clatsop or Columbia counties, and whose successor shall be chosen from the counties of Clatsop or Columbia. Such judge shall be appointed by the Governor, to hold office until the next general election for State and district officers, and until his successor is elected and qualified, as provided in Section 2796 of this act; *provided, however*, that the successor to the present circuit judge in said fifth judicial district shall be chosen from the counties of Clackamas or Washington.

§ 2796. To Be Elected, When.

At the next general election for State and district officers there shall be elected an additional judge for said fifth judicial district to hold office for six years, and until his successor is elected and qualified.

OF DISTRICT ATTORNEYS.

§ 2817. Election of District Attorneys.

There shall be elected at the general election in 1900, and every four years thereafter, by the qualified electors of the

several judicial districts of this State a district attorney in and for each of such districts, who shall hold his office for the term of four years, and until his successor is elected and qualified.

§ 2821. General Election, at Which District Attorney to Be Elected.

The general election at which a district attorney must be elected is the election next preceding the expiration of the term of the then incumbent of such office.

§ 2825. Prosecuting Attorneys Therein, When to Be Elected.

That there shall be elected at the June election, in 1904, and at the general election every four years thereafter, by the qualified electors in each of the said prosecuting attorney districts, a prosecuting attorney in and for each of said districts, who shall hold such office for the term of four years, and until his successor is elected and qualified.

§ 2830. When Prosecuting Attorneys to Be Elected—Terms.

There shall be elected at the general election to be held in the year 1908 for the election of State and district officers, and at the general election every fourth year thereafter, by the qualified voters of each of said prosecuting attorney districts, the same as other prosecuting attorneys are elected, a prosecuting attorney in and for each of said prosecuting attorney districts, who shall hold office for the term of four years, and until his successor is elected and qualified.

OF THE GENERAL POWERS OF COUNTIES.

§ 2868. Election to Determine Upon Such Tax Levy.

Upon a petition, signed by twenty per cent of the legal voters at the last preceding election who are taxpayers of the county, being filed with the clerk of the county not later than thirty days prior to the election at which the proposition of levying such a tax is to be voted upon, said clerk shall cause said proposition to be printed on the ballot for said election, and the same shall thereby be submitted to the voters of said county, who shall vote "yes" or "no" thereon. If the same shall receive a majority of all the votes cast for and against the proposition at said election, it shall be considered carried, and the county court shall levy the said tax accordingly, but if the same shall not receive a majority of the votes cast for and against said proposition, it shall be considered defeated.

OF REMOVAL OF COUNTY SEATS.

§ 2877. Removal of County Seat—Petition for Election.

Whenever the inhabitants of any county of this State desire to remove the county seat of the county from the place where it is fixed by law, or otherwise, they shall present a petition to the county court of their county praying such removal, and that an election be held to determine to what place such removal must be made; *provided*, that the petition for removal shall set forth the names of the towns or cities to which such county seat is proposed to be removed.

§ 2878. Election to Be Called If Petition Sufficient.

If the petition is signed by qualified electors of the county equal in number to at least three-fifths of all the votes cast in the county at the last preceding general election, the county court must, at the next general election of county officers, submit the question of removal to the electors of the county; *provided*, that all persons so signing said petition shall have been actual residents of said county for at least three months immediately preceding such signing.

§ 2879. Notice and Conduct of Election.

Notice of such election, clearly stating the object, shall be given, and the election must be held and conducted, and the returns made, in all respects in the manner prescribed by law in regard to elections of county officers.

§ 2885. Removal When Again Made.

When a county seat of a county has been removed by a popular vote of the people of the county, it may be again removed from time to time in the same manner provided by this chapter; *provided*, no two elections to effect such removal be held within four years.

§ 2934. Clerk, Sheriff, Coroner, Election Of.

There shall be elected at a general election, by the qualified voters of each county in this State, a sheriff, county clerk, and coroner for such county, who shall each hold his office for the term of two years, and until his successor is elected and qualified.

§ 2942. Sheriff, Clerk, Coroner, Elected at What General Election.

The general election at which a sheriff, county clerk, or coroner must be elected is the election next preceding the expiration of the term of the then incumbent of such office.

§ 2943. Treasurer, Assessor, Surveyor, and Commissioners, Election Of.

There shall be elected at the general election, by the qualified electors of each county in this State, a county assessor, who shall hold his office for the term of four years, and until his successor is elected and qualified. There shall also be elected at said general election, by the qualified electors, a county treasurer and county surveyor, who shall hold their office for the term of two years, and until their successors are elected and qualified; and there shall also be elected at such general election a county commissioner in each county, who shall hold his office for the term of four years, and until his successor is elected and qualified; *provided further*, that in counties where there is a vacancy from any cause in the office of county commissioner, then there shall be elected at said general election by the qualified electors of each county in this State, two county commissioners, one of whom shall hold his office for two years and the other four years, and until their successors are elected and qualified.

§ 2952. "General Election," What Is Within Meaning of Preceding Sections.

The general election at which such officers, or either of them, must be elected is the general election next preceding the expiration of the term of the then incumbent of such office.

§ 3004. Election of Recorder of Conveyances in Certain Counties.

On and after the first Monday in July, 1892, there shall be in the counties of Clackamas, Linn, Benton, Marion, Union, Washington, Yamhill, and Jackson, they each having the number of votes required by the constitution, namely, twelve hundred, a recorder of conveyances, who shall be chosen in the same manner as the other officers of the county are chosen, and who shall hold their offices for two years, and until their successors are elected and qualified; *provided*, that the persons to be elected to such offices for the term commencing on the first Monday of July, 1892, shall be elected at the general election in 1892. The office of recorder of conveyances in the said counties shall be separate and distinct from the county clerk's office of said county.

§ 3020. County Clerk of Multnomah, Election Of; Who Eligible; Custodian of What Records and Files.

At the general election to be held in Multnomah County on the first Monday in June, 1906, and biennially thereafter, at each general election there shall be elected for the period of two years, and as other county officers are elected, a county clerk of

Multnomah County, who shall assume the duties of such office at 12 o'clock M. on the first Monday in July next after his election and who shall hold such office until his successor is elected and qualified; said county clerk shall receive an annual salary of \$3,000, and shall receive no other fees or emoluments. A person is not eligible to the office of county clerk of Multnomah County unless he be a citizen of the United States, a qualified elector under the Constitution of this State and shall have been a resident of said county for the period of one year preceding his election. The clerk of the circuit court, the clerk of the county court, and the recorder of conveyances in Multnomah County, then in office, shall each at 12 o'clock M. on the first Monday in July, 1902, deliver to the county clerk of Multnomah County all books, papers, records, files, and other property belonging or appertaining to their respective offices then in their possession or under their control as such officers.

§ 3030. Notice of Election Contests, Etc.

Notices of contests in the election of any township or precinct officers in Multnomah County shall be returned to the clerk of the county. Notices of contests in the election of county or district officers in Multnomah County shall be returned to the clerk of the county; and the clerk of the county shall issue certificates of election to persons declared to be elected to any office by the circuit or county court of Multnomah County.

§ 3185. Term of Justice's Office.

Each such justice of the peace and constable district shall elect one justice of the peace, who shall hold his office for two years, and until his successor is elected and qualified.

§ 3186. Constable, Election of and Term of Office.

Each such justice of the peace and constable district shall elect one constable at each general election, and who shall hold his office for two years, and until his successor is elected and qualified.

§ 3191. Election at Which Justice Must Be Elected.

The general election at which a justice of the peace must be elected is the election next preceding the expiration of the term of the then incumbent of such office.

TO PROVIDE FOR CONSTABLES AND DEPUTIES IN CITIES OF OVER ONE HUNDRED THOUSAND.

Section 1. There shall be in every city of the State of Oregon having 100,000 or more inhabitants, one constable who shall be elected at the election for such office next preceding the expiration of the term of office of their respective predecessors, by the qualified electors of said city and of such contiguous territory, as shall have been or may be hereafter set off and established by the county courts of the several counties of the State as a part of the justice of the peace and constable district, comprising such city and such contiguous territory in the manner now provided by law. [Laws 1911, Chap. 215.]

CITIES AND TOWNS, INCORPORATION, ETC.**§ 3207. Proceedings to Incorporate and Election Therefor.**

A petition shall first be presented to the county court of such county, signed by at least forty qualified electors of the county, residents within the limits of such proposed corporation, which petition shall set forth and particularly describe the proposed boundaries of such corporation, and state the number of inhabitants therein, as nearly as may be, and shall pray that the same may be incorporated under the provisions of this act. Such petition shall be presented at a regular term of such county court, and shall be published for at least three weeks before the time at which the same is to be presented, in some newspaper printed and published in such county, together with a notice stating the term of said court at which the same will be presented. When such petition is presented, the county court shall hear the same, and may adjourn such hearing from time to time, not exceeding two months in all, and if on the final hearing the prayer of the petition be granted, shall make such changes in the proposed boundaries as they may find to be proper; but no such change shall include property not contained in said petition, unless the written consent of the owner is first obtained to make such change; and said county court shall establish and define such boundaries, and shall ascertain and determine how many inhabitants reside within such boundaries. Said county court shall then give notice of an election to be held in such proposed corporation for the purpose of determining whether the same shall become incorporated; such notice shall particularly describe the boundaries so estab-

lished, and shall state the name of such proposed corporation, and the number of inhabitants so ascertained as residents therein, and the same shall be published for at least two weeks prior to such election in a newspaper published within such boundaries, or posted for the same period in at least four public places therein. Such notice shall require the voters to cast ballots which shall contain the words, "for incorporation," or "against incorporation," or words equivalent thereto, and also the names of persons voted for to fill the various elective municipal offices prescribed by law for municipal incorporations so incorporated.

§ 3208. Manner of Conducting Election—Petitioners Liable for Costs.

Such election shall be conducted in accordance with the general election laws of this state, and no person shall be entitled to vote thereat unless he shall be a qualified elector of the county, and shall have resided within the limits of such proposed corporation for at least thirty days next preceding such election. The county court shall, on the first Wednesday of its next regular term after such election, proceed to canvass the votes cast thereat; and if upon such canvass it appears that the majority of the votes cast are for incorporation, said court shall, by an order entered upon its minutes, declare such territory duly incorporated as a municipal corporation under the name and style of the city or town, as the case may be, of (naming it), and shall declare the persons receiving respectively the highest number of votes for such several offices to be duly elected to such offices; *provided*, that in case of a tie vote between any two persons, said county court shall decide which one of them shall serve in such office. Said county court shall cause a copy of such order, duly certified, to be filed in the office of the Secretary of State; and from and after the date of such filing, such incorporation shall be deemed complete, and such officers shall be entitled to enter immediately upon the duties of their respective offices, upon qualifying in accordance with law, and shall hold such offices respectively only until the next general municipal election to be held in such city or town, and until their successors are elected and qualified, unless sooner removed for cause. The petitioners shall be liable in the first instance for all costs and expenses incurred pertaining to said proposed corporation; but if the incorporation is finally completed, they shall be entitled to be reimbursed therefor by such municipal corporation.

§ 3209. Changing Boundaries of Incorporation.

The boundaries of any municipal corporation now existing in this State, or which may hereafter be incorporated therein,

may be altered and new territory included therein after proceedings had as required by this section. The common council or other legislative body of such corporation shall, upon receiving a petition therefor signed by not less than one-fifth of the qualified electors of such corporation as shown by the vote cast at the last municipal election held therein, submit the question to the electors of such corporation and to the electors residing in the territory proposed by such petition to be annexed to such corporation and become a part thereof. Such question shall be submitted at a special election to be held for that purpose, and such council or legislative body shall give notice thereof, by publication in a newspaper of general circulation in such corporation and in such territory so proposed to be annexed, for the period of four weeks prior to such election; also by posting notices thereof in four public places within such corporation and four public places in such territory for a like period. Such notice shall distinctly state the proposition to be so submitted, and shall designate specifically the boundaries of the territory so proposed to be annexed, and the electors shall be invited thereby to vote upon such proposition by placing upon their ballots the words "for annexation," or "against annexation," or words equivalent thereto. Such council or legislative body shall also designate the place or places at which the polls will be open within such corporation and in such territory so proposed to be annexed, which places shall be those usually used for that purpose within such corporation and also within such territory, if any such there be. Such council or legislative body shall also appoint and designate in such notice the names of the judges and clerks of election. Such council or legislative body shall meet on the Monday next succeeding the day of such election at 1 o'clock P. M. and proceed to canvass the votes cast thereat. The votes cast in such territory so proposed to be annexed shall be first canvassed, and if it shall appear upon such canvass that the majority of all the votes in such territory are in favor of annexation, then the votes cast within such municipal corporation shall be next canvassed; and if a majority thereof are also found to be in favor of such annexation, then such council or legislative body shall, by an order entered upon their records declare such annexation, and cause their clerk, or other officer performing the duties of clerk, to make and transmit to the Secretary of State a certified description of such annexed territory and an abstract of such vote which shall show the whole number of electors voting in such territory, the whole number of electors voting in such corporation, the number of votes cast in each for annexation, and the number of votes cast against annexation. From and after the date of filing of

such abstract such annexation shall be deemed complete, and thereafter such territory shall be and remain a part of such corporation. The judges and clerks, before entering upon the discharge of their duties at such election, shall each take and subscribe, before an officer authorized to administer the same, an oath that he will honestly and faithfully discharge his duties as such judge or clerk, which said oath shall be transmitted, with the votes cast at such election, to said municipal corporation. In case of the absence or inability of any judge or clerk so appointed to act at such election, then the qualified electors present at the polls, before proceeding to vote, may choose an elector to act in his place, from among their number, who shall duly qualify as aforesaid before entering upon the discharge of his duties as judge or clerk at such election.

Changing Boundaries of Cities and Towns Heretofore Incorporated.

The boundaries of any municipal corporation now existing in this State, and of cities and towns heretofore incorporated which do not provide by their charter the method of extending their boundaries, or which may hereafter be incorporated therein, may be altered and new territory included therein after proceedings had as required by this section. The common council or other legislative body of such corporation shall, upon receiving a petition therefor, signed by not less than one-fifth of the qualified electors of such corporation, as shown by the vote cast at the last municipal election held therein, for the office of mayor, submit the question to the electors of such corporation, and to the electors residing in the territory proposed by such petition to be annexed to such corporation and become a part thereof. Such question shall be submitted at a special election to be held for that purpose, and such council or legislative body shall give notice thereof, by publication in a newspaper of general circulation in such corporation and in such territory so proposed to be annexed, for the period of four weeks prior to such election, also by posting notices thereof in four public places within such corporation, and four public places in such territory for a like period. Such notice shall distinctly state the proposition to be so submitted, and shall designate especially the boundaries of the territory so proposed to be annexed, and the electors shall be invited thereby to vote upon such proposition by placing upon their ballots the words "For annexation," or "Against annexation," or words equivalent thereto. Such council or legislative body shall also designate the place or places at which the polls will be open within such corporation and in such territory so proposed to be annexed, which places shall be those usually used for that purpose

within such corporation and also within such territory, if any such there be. Such council or legislative body shall also appoint and designate in such notice the names of the judges and clerks of election. Such council or legislative body shall meet on Monday next succeeding the day of such election at 1 o'clock P. M. and proceed to canvass the votes cast thereat. The votes cast in such territory so proposed to be annexed shall be first canvassed, and if it shall appear upon such canvass that the majority of all the votes in such territory are in favor of annexation, then the votes cast within such municipal corporation shall be next canvassed; and if a majority thereof are also found to be in favor of such annexation, then such council, or legislative body shall, by an order entered upon their records, declare such annexation, and cause their clerk, or other officer performing the duties of clerk, to make and transmit to the Secretary of State a certified description of such annexed territory and an abstract of such vote which shall show the whole number of electors voting in such territory, the whole number of electors voting in such corporation, the number of votes cast in each for annexation, and the number of votes cast against annexation. From and after the date of filing of such abstract, such annexation shall be deemed complete, and thereafter such territory shall be and remain a part of such corporation. The judges and clerks, before entering upon the discharge of their duties at such election, shall each take, and subscribe, before an officer authorized to administer the same, an oath, that he will honestly and faithfully discharge his duties as such judge or clerk. In case of the absence, or inability of any judge, or clerk, so appointed, to act at such election, then the qualified electors present at the polls, before proceeding to vote, may choose an elector to act in his place from among the number who shall duly qualify as aforesaid before entering upon the discharge of his duties as judge, or clerk at such election. [Laws 1911, chap. 81.]

TO PROVIDE FOR THE CALLING OF SPECIAL ELECTIONS TO VOTE
UPON THE ANNEXATION OF TERRITORY TO ANY INCORPORATED TOWN OR CITY.

Sec. 1. Whenever a petition has been filed which is authorized by and is pursuant to any general law, or the provisions of any charter of any incorporated city or town in Oregon, expressing the desire of the petitioners for the annexation of the territory described in the petition to any such incorporated town or city, such proceedings shall be had thereon as are now authorized by general law, or by the provisions of the charter of any such incorporated city or town as provided herein.

Sec. 2. The council, or other legislative body of said incorporated city or town, may, by resolution passed by a majority

vote of the members thereof, submit the question of annexation to the legal voters within the territory described in such petition and proposed to be annexed, and such additional territory as may be designated in such resolution, at a special election to be called in the manner herein provided.

Sec. 3. The council, or other legislative body, of any incorporated city or town may call a special election within the territory proposed to be annexed. Notice of the time and purpose of such special election and the voting place, or places, shall be given by publication in a newspaper of general circulation within said incorporated city or town for a period of 20 days prior to such election, and in addition, like notice shall be posted in four public places within the territory proposed to be annexed and for a like period. The resolution calling such special election shall direct the giving of such notice and said notice as published and posted shall be signed by the clerk or auditor or like officer of any such incorporated city or town. Such notice shall also distinctly state the proposition to be submitted, the boundaries of the territory proposed to be annexed and the legal voters within said territory shall be invited to vote upon such proposition by placing upon their ballot the words: "For annexation," or the words, "Against annexation," or words equivalent thereto. The said council, or other legislative body, shall also designate the time and places at which the polls will be open within such territory, which places shall, as far as practicable, be the place, or places, usually used for voting purposes within such territory, if any such there be, and shall also appoint and designate the names of the judges and clerks of the election all of which may be done in the resolution calling the special election, and stated in the notice to be published and posted as herein provided. The votes cast shall be counted, canvassed and returned in the same manner as if such votes had been cast upon such proposition at a general election, except that such returns shall be made to the auditor, clerk or like officer of such incorporated city or town.

Sec. 4. It shall be the duty of the auditor, clerk or like officer of any incorporated town or city to provide a sufficient number of suitable ballots to be used at such election. The expenses of any such special election shall be paid out of the general funds of any incorporated city or town by which such election is called, and the judges and clerks of election shall be entitled to receive the same compensation as judges and clerks serving as such at a general election. *Provided, however,* the council or other legislative body, of any such incorporated town or city may, in its discretion, before calling any such special election, require the petitioners to pay into the city treasury the estimated expense of such election before any such special election is called.

Sec. 5. Except as herein provided, the provisions of any existing general law when applicable, and the provisions of the charter of any incorporated city or town relating to the annexation of any territory, or calling or holding of an election thereunder, the counting, canvassing and returning of the votes and the effect of any such votes, are hereby made applicable and are retained in full force and effect, and the provisions hereof are intended to be in addition and supplementary to existing provisions of law.

Sec. 6. The provisions of this act shall apply only to incorporated cities and towns, having a population of 100,000 inhabitants or more as determined by the last preceding federal census. [Laws 1911, Chapter 240.]

§ 3210. Consolidation of Contiguous Corporations.

Two or more contiguous municipal corporations may become consolidated into one corporation after proceedings had as required in this section. The council or other legislative body of either of such corporations shall, upon receiving a petition therefor signed by not less than one-fifth of the qualified electors of each of such corporations, as shown by the votes cast at the last municipal election held in each of such corporations, submit to the electors of each of such corporations the question whether such corporations shall be consolidated into one corporation. Such councils or legislative bodies shall designate a day upon which a special election shall be held in each of such corporations, to determine whether such consolidation shall be effected, and shall give written notice thereof to the council or other legislative body of each of the other such corporations, which notice shall designate the name of the proposed new corporation. It shall thereupon be the duty of such council or legislative body of each of the corporations so proposed to be consolidated to give notice of such election by publication in a newspaper of general circulation in such corporation for the period of four weeks prior to such election. Such notice shall distinctly state the proposition to be so submitted, the name of the corporations so proposed to be consolidated, the name of the proposed new corporation, and shall invite the electors to vote upon such proposition, by placing upon their ballots the words, "for consolidation," or "against consolidation," or words equivalent thereto. The councils or legislative bodies of each of such corporations shall meet in joint convention at the usual place of meeting of the council or legislative body of that one of the corporations having the largest population, shown by the last State census, on the Monday next succeeding the day of such election at 1 o'clock P. M., and proceed to canvass the votes cast thereat. The

votes cast in each of such corporations shall be canvassed separately, and if it shall appear upon such canvass that a majority of the votes cast in each of such corporations is for consolidation, such joint convention, by an order entered upon their minutes, shall cause the clerk, or other officer performing the duties of clerk of the council or legislative body, at whose place of meeting such joint convention is held, to make a certified abstract of such votes; which abstract shall show the whole number of electors voting at such election in each of such corporations, the number of votes cast in each for consolidation, and the number of votes cast in each against consolidation. Such abstract shall be recorded upon the records of the council or legislative body of each of such corporations; and immediately upon the recording thereof, it shall be the duty of the clerk, or other officer performing the duties of clerk of each such council or legislative body, to transmit to the Secretary of State a certified copy of such abstract. Immediately after such filing, the council or legislative body of that one of such corporations having the greatest population as shown by the last State census, shall call a special election to be held in such new corporation for an election of the officers required by law to be elected therein, which election shall be held within three months thereafter. Such election shall be called and conducted in all respects in the manner prescribed, or that may hereafter be prescribed by law, and shall be canvassed by the council or legislative body so calling the same, who shall immediately declare the result thereof and cause the same to be entered upon its records. From and after the date of such entry, such corporations shall be deemed to be consolidated into one corporation under the name and style of the city or town, as the case may be, of..... (naming it), with the rights and privileges conferred by law or which may hereafter be conferred by general statutes, duly enacted by the legislative assembly of this State, and the officers elected at such election shall be entitled immediately to enter upon the duties of their respective offices, upon qualifying in accordance with law, and shall hold such office respectively until the next general municipal election to be held in such city or town, and until their successors are elected and qualified, unless sooner removed for cause.

OF THE OFFICERS OF MUNICIPAL CORPORATIONS.

§ 3212. Officers of Corporations Organized Under This Act.

The officers of every municipal corporation organized under this act shall be a mayor, six aldermen, a recorder, who shall be *ex officio* clerk of the common council, a marshal, and a

treasurer, who shall hold their offices until their successors are elected and qualified, unless sooner removed for cause, and such subordinate officers as are hereinafter provided for.

§ 3213. Election of Officers—What Offices May Be Appointive by Council.

The mayor, aldermen, recorder, treasurer, and marshal shall be elected by the qualified electors of such municipal city or town at a general municipal election to be held therein on the Tuesday after the first Monday in December next following its organization, and general municipal elections shall be held annually thereafter. The mayor, aldermen, recorder, treasurer, and marshal shall hold office for the period of two years from and after the second Tuesday in January next succeeding the day of such election, and until their successors are elected and qualified, unless sooner removed for cause; *provided*, that the first aldermen elected under the provisions of this act shall, at the first meeting of the council, so classify themselves by lot as that three of their number shall go out of office at the expiration of one year, and three of their number at the expiration of two years. The council in their discretion may appoint an attorney, a superintendent of streets, a civil engineer, and such police and other subordinate officers as in their judgment may be deemed necessary, and fix their compensation, which said officers shall hold office during the pleasure of said council.

§ 3218. Further as to Application of Election Laws—Duties of Officers.

All of the laws of the State regulating and governing general elections and proceedings, and matters incidental thereto, shall apply to and govern elections in all incorporated towns and cities having a population of two thousand and upward. All certificates of nomination of candidates for city officers to be filled by the electors at an election in any town or city having a population of two thousand and upward, and all acceptances and withdrawals shall be filed with the city recorder or clerk of such town or city; and he shall keep a register of nominations for city officers in the manner required by the general laws of the State of Oregon to be kept by the county clerk; and in such towns or cities holding their municipal elections at the same time as any general election, it shall be the duty of the city recorder or clerk, not less than fifteen days before the time of holding such election, to prepare and certify and deliver to the county clerk of the county in which such city or town is situated, a list of the nominations, acceptances, and withdrawals so filed with him; whereupon,

it shall be the duty of said county clerk to arrange, in the manner provided by the general laws of the State of Oregon, for the arrangement of such names and information concerning all candidates for such city offices contained in the certificates of the city recorders and clerks; to certify and post the same; and to cause the same to be printed upon the colored or sample ballots, and upon the white ballots to be used in the several polling places within the limits of every such city or town, together with the names of the candidates for state, county, and district offices, as required by law, printed on such ballots, the names of the candidates for office in the particular ward in which the ballots are to be used, and conforming to the general laws of the State of Oregon governing elections and the manner of printing ballots as nearly as may be; and in cities and towns containing a population of two thousand and upward, not holding their municipal elections at the same time the general elections are held, the duties imposed by the general election laws on the county clerk are hereby, as to all said last described towns and cities, declared to be the duties of the city recorder or clerk of said towns and cities.

§ 3236. Qualification of Voters.

No person shall be allowed to vote at any municipal election who has not resided therein for thirty days next preceding the election, or who shall have refused, or neglected after proper demand, to pay any city or town fine, or tax legally imposed or assessed against him, and the council may prescribe such oath as it may deem proper to ascertain such fact.

OF THE TIME AND MANNER OF HOLDING ELECTIONS.

§ 3303. Time of Election—Officers to Be Elected.

A general election shall be held in the several election precincts in this State on the first Monday in June, 1892, and biennially thereafter, at which there shall be chosen so many of the following officers as are by law to be elected in such year, namely: A Governor, Secretary of State, State Treasurer, Superintendent of Public Instruction, State Printer, Justices of the Supreme Court, members of congress, circuit judges, members of the State Senate and House of Representatives, county judges, district attorneys, county superintendents of common schools, commissioners of the county court, county clerks, sheriffs, county treasurers, coroners, assessors, county surveyors, justices of the peace, and constables, and all other state, district, county, and precinct officers provided by law.

NOTE.—Amendment to §14, Article II, adopted by the people June 1, 1908, changes the date of the regular biennial election to the first Tuesday after the first Monday in November.—*Secretary of State.*

Elections for school directors are not

general elections, and not being held in pursuance of the Governor's writ are not special elections, and the general election laws do not apply thereto: *Breeding v. Williams*, 37 Or. 436. 61 Pac. 858.

§ 3304. Election Precincts.

It shall be the duty of the county court in the several counties of the State, at the regular July term preceding the general election, to set forth and establish election precincts within the county. Said court may set off and establish within such county as many election precincts as may be deemed necessary or convenient, and they shall be designated by numbers or names; *provided*, that no election precinct shall contain more than three hundred electors, as nearly as may be ascertained by the court, and shall particularly bound the same.

§ 3305. Election Judges—Qualifications and Duties.

The county court shall, at the regular term in January preceding a general election, appoint three judges and three clerks of election for each election precinct, to serve for the period of two years, and shall designate one judge to be chairman. Said judges and clerks shall each be duly qualified electors within the precinct for which they are appointed; able to read, write, and speak the English language, not a candidate for an elective office to be voted for at the ensuing election. No more than two judges and two clerks shall be members of the same political party, and they shall be appointed from the two political parties which respectively cast the highest and next highest number of votes for the presidential electors of the United States at the last preceding presidential election. At least ten days before any election authorized by law, the county court shall designate one polling place in each precinct, and fill all vacancies that may happen among said judges and clerks by reason of death, removal from the precinct, disqualification or excusal by the board for good and sufficient cause. The said judges and clerks shall meet at 8 o'clock A. M. at their respective polling places at the times prescribed by law for holding a general or special or presidential election, to act as judges and clerks of such election until relieved by the second board.

§ 3306. Additional Judges and Their Meetings.

In all election precincts in which were cast one hundred and fifty (150) or more ballots at the last general election, or in which the county court believes that many ballots will be cast at the next general election, the county court may likewise, at said January term, appoint a second or additional board consisting of three judges and three clerks for each precinct, who shall hold their offices for two years, and who shall possess the same qualifications and exercise the same

authority as the first board mentioned in section 3305. The judges and clerks constituting the second board, for each precinct, shall meet at 7 o'clock P. M. at their respective polling places as designated in the order appointing them, at the times prescribed by law for holding a direct primary election, a general or special, or presidential election, and at the said hour of seven (7) o'clock P. M. shall relieve and take the place of the said first board, and shall forthwith proceed to count and tally the ballots, in the manner prescribed by law. In case the count is not completed by seven (7) o'clock A. M. of the next following day, the said first board shall reconvene and relieve the second board, and continue said count until seven (7) o'clock P. M., when, if the count is not yet completed, the second board shall reconvene and again relieve the first board, and so, alternately, until said boards have fully completed the count and certified the returns. Judges and clerks constituting the first board, before being relieved by the second board at seven (7) o'clock P. M. of the first day, shall certify and sign the poll books as required by section 22 of the Australian ballot law [section 3324]. The judges and clerks constituting the several boards shall number the ballots and count the tallies upon the tally sheets, as hereinafter provided, and certify the returns, so as to distinctly show the work of each board separately.

§ 3307. List of Judges to Be Posted — Remonstrances — Election Notices.

Immediately after the appointment of said judges and clerks at said January term, as required by sections 3305 and 3306, the clerk of the county court shall make a complete list, and certify the same, showing the names of the judges and clerks so appointed for each precinct, and post the same in a conspicuous place in his office, and keep the same posted for three months. All electors shall thereupon be entitled to make and file with the county clerk, without charge, their objections, remonstrances, and suggestions, in respect to said appointments, with a view to have said appointments revised by the court. At 10 o'clock A. M. on the second Wednesday of the following February term of the several county courts is hereby designated as the time at which the county court shall hear all objections, remonstrances, and suggestions from electors in regard to the said appointments of the said judges and clerks, and the court shall continue in session from day to day, without permitting other business to interfere there-with, until all such objections, remonstrances, and suggestions are heard and determined, and the decisions of the court made and announced. When said appointments have

been announced at said February term, the county clerk shall forthwith make a complete and revised list of the judges and clerks so last appointed, and certify the same, showing the names of the judges and clerks so appointed for each precinct, and keep the same in a conspicuous place in his office for two years, for public inspection. The clerk shall then immediately proceed and notify each of said appointees, by mail, of his appointment, and request his acceptance in writing. The clerk shall procure a notification book, substantially in the following form, and use the same in notifying said appointees and preserving a record of the matter:

Stub No.....	Notice No.....	Acceptance No.....
Name	To.....	[Note—Any judge or clerk of election who accepts this appointment, and thereafter fails to attend and perform his duties is subject to fine and imprisonment.]
P. O. address.....	P. O. address.....	
Clerk or judge or chairman, Precinct No.....	You are hereby notified that the county court on, 19...., appointed you, of Precinct No..... County, Oregon, to serve for two years.	I hereby accept the appointment of.....of election for.....Precinct,, County, Oregon, for two years from this..... day of....., 19....
.....County, Oregon.	Please sign and return to me your acceptance of the office upon attached blank.	
Date of appointment:	[L. s.].....	Appointee.
.....	Clerk of the county court for..... County, Oregon.	

Immediately upon receipt of the acceptance of the appointee, the clerk shall file the same and attach the acceptance to the stub. The judge or clerk of election who accepts his appointment and thereafter fails to attend promptly and perform his duties as such clerk or judge, shall be deemed in contempt of the court, and shall be summarily summoned to appear before the court, and in every case of wilful neglect to serve shall be compelled to pay the costs of the proceeding, and shall be fined and imprisoned, not exceeding \$50 and one month in the county jail, in the discretion of the county judge. In case of the neglect or omission of the appointee to accept the appointment within two weeks after being notified, the court shall proceed to appoint some other qualified person, pursuing the same open, public, and fair method as in the first instance, and likewise in the case of vacancies happening during the term of two years by resignation, death, or removal from the county. It shall be the duty of the county clerk thirty days before any general or presidential election, and at least ten days before any special election, to prepare printed notices of the election and mail two of said notices to each judge and each clerk of election in each precinct, and it shall

be the duty of the several judges and clerks to immediately post said notices in public places in their respective precincts. Said notices shall be in the following form:

ELECTION NOTICE.

Notice is hereby given that on the....., 19...., at the..... in the precinct of....., in the county of....., Oregon,....., [insert character] election will be held for state, district, county, precinct, and other officers, namely, [here name the offices to be filled]; which election will be held at eight o'clock in the morning and will continue until seven in the afternoon of said day.

Dated this.....day of....., 19....

....., County Clerk.

§ 3308. Oath of Judges and Clerks.

Before entering upon the discharge of their duties, the said judges and clerks shall each take and subscribe the following oath in each of the poll books, which oath shall be administered by any officer authorized to administer oaths, or the chairman, if he be present, and if not, then by one of the judges: "I, _____, do solemnly swear (or affirm) that I will perform the duties of judge of election (or clerk, as the case may be,) according to law; that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the election."

§ 3309. Absent Judge—Place, How Filled.

In case one or more of such judges of election shall not be present at the time prescribed by law, the other judges and the clerks of the board who are present shall, *viva voce*, elect a qualified person to act as judge of election until the tardy appointee arrives, and in case he does not arrive within one-half hour, to serve in his stead. The person so chosen, in addition to his other qualifications, shall be of the same political affiliation as the absent official. The new appointee shall take and subscribe the official oath before acting. The compensation allowed the substitute shall be deducted from the pay of the tardy official.

§ 3310. Absent Clerk's Place Filled—Extra Pens and Pencils Removed.

In case one or more of said election clerks shall not be present at the time prescribed by law, the judges of the election board shall, *viva voce*, elect a qualified person to act as clerk of election until the tardy appointee arrives, and in case he does not arrive within one-half hour, to serve in his stead. The person so chosen, in addition to the other qualifications, shall be of the same political affiliation as the absent official. The new official shall take and subscribe the official oath before acting. The compensation allowed the substitute

shall be deducted from the pay of the tardy official. While the counting is being conducted, no one of the board shall be allowed to have at or in his hands any pencil or pen of any kind, except the clerks keeping the official tally sheets and the third judge engaged in numbering and signing his name on the back of each ballot after it is counted and handed to him, and the clerks and the third judge shall have and use only pen and ink. All extra pens and all pencils shall be removed from the place where the count is being conducted; *provided, however*, that candidates, or their duly appointed agents, to such reasonable number, not more than three, as apply to the judges, shall be allowed to have desk facilities outside the guard rail, but near enough to distinctly hear the chairman as he reads aloud each ballot, so they may be able to keep a private tally sheet in accord with the official clerks. The chairman and the second judge, especially, shall not have any pen or pencil at hand, or in their hands, during the time of taking out, unfolding, and reading and counting the several ballots.

§ 3311. Opening and Closing Polls—Conduct of Election and Count.

All general, special, and presidential elections held in this State shall be conducted under the provisions of this act, and the polls shall be opened at the hour of 8 o'clock in the forenoon and continue open until 7 o'clock in the afternoon of the same day, at which time the polls shall be closed. Prior to opening the polls the chairman of said judges of election shall make public proclamation of the same, and thirty minutes before closing of the polls public proclamation shall be made by the same officer that the polls will be closed in half an hour. The judges, in their discretion, may adjourn the polls at one o'clock for one hour, proclamation of the same being made, but the judges and clerks shall keep together, and at no time shall more than one of them be out of the presence of the others. The ballot boxes, pollbooks, ballot stubs, and tally sheets shall be constantly kept together in the presence and view of at least four of the said officers, and the candidates and persons duly appointed, as provided in section 18 of the Australian ballot law [section 3320], from the opening of the polls until the count is completed and the returns signed and sealed as hereinafter provided; and after the count has once begun it shall continue until fully completed, without any adjournment, and in the presence of all judges and clerks, and persons duly authorized to be present.

See note to Section 3303.

§ 3312. Certificates of Nomination.

In all special elections the certificate of nomination may be filed at any time between the date of the writ authorizing the election and ten days previous to the time of holding the election, and in all other matters and proceedings therein the provisions of this act shall apply, so far as the same are applicable, to such special election.

See note to Section 3303.

§ 3313. Challenges.

It shall be the duty of each judge or clerk of election, or any elector present, to challenge any person offering to vote whom he shall know or suspect not to be qualified as an elector.

§ 3314. Oath and Examination of Elector.

If a person offering to vote is challenged as unqualified by any one enumerated in section 3313, the chairman of the said judges shall administer to him the following oath or affirmation: "You do solemnly swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence and qualifications as an elector at this election." The chairman shall then propound such questions to the person challenged as may be necessary to test his qualifications as an elector at that election. The judges may hear such other testimony and consider such other evidence as is proper upon the question. If all the judges can not agree, the majority of the judges shall decide the matter.

School elections are not governed by the provisions of the general election laws, and if a qualified elector is challenged, the judge is under no obliga-

tion to determine his right to vote as would be required at a general or special election: *Breeding v. Williams*, 37 Or. 433, 61 Pac. 858.

§ 3315. Refusal to Answer.

If the person so challenged shall refuse to answer fully any question touching his qualifications as an elector which shall be put to him, the judges shall reject his vote.

§ 3316. Oath of Qualification.

If the challenge be not withdrawn after the person offering to vote shall have answered the questions put to him as aforesaid, the chairman of said judges shall administer to him the following oath: "You do solemnly swear (or affirm) that you are a citizen of the United States, or have declared your intention to become such, one year next preceding this election; that you are of the age of twenty-one years; that you have been a resident of this State for six months next preceding

this election; that you now reside in this precinct; that you have not yet voted at this election, and that your true name is as you represent it to be." If the elector only claims the right to vote for state, or district and state, officers, the oath shall be modified accordingly.

§ 3317. Record of Challenge.

Whenever any person's right to vote shall be challenged, and he has taken the oath prescribed by section 3316, and if it is at a nominating election, then with the addition of the words "and that I am in good faith a member of the political party with which I am registered" it shall be the duty of the clerks of election to write in the poll books at the end of such person's name the words "challenged and sworn," with the name of the challenger. Thereupon the chairman of the board of judges shall write upon the back of the ballot offered by such challenged voter the number of his ballot, in order that the same may be identified in any future contest of the results of the election, and be cast out if it shall appear to the court to have been for any reason wrongfully or illegally voted for any candidate or on any question. And such marking of the name of such challenged voter, nor the testimony of any judge or clerk of election in reference thereto, or in reference to the manner in which said challenged person voted, if said testimony shall be given in the course of any contest, investigation or trial wherein the legality of the vote of such person is questioned for any reason, shall not be deemed a violation of section 3414.

§ 3318. Rules to Determine Qualification.

The judges of election, in determining the residence and qualifications of persons offering to vote, shall be governed by the following rules, so far as the same may be applicable:

1. The place shall be considered and held to be the residence of a person in which his habitation is fixed, and to which, whenever he is absent, he has the intention of returning.

2. A person shall not be considered or held to have lost his residence who shall leave his home and go into another State or Territory or county of this State for a temporary purpose only.

3. A person shall not be considered or held to have gained a residence in any county of this State into which he shall come for temporary purposes only, without the intention of making said county his home, but with the intention of leaving the same when he shall have accomplished the business that brought him into it.

4. If a person remove to any other State, or to any of the territories, with the intention of making it his permanent home, he shall be considered and held to have lost his residence in this State.

5. The place where a married man's family reside shall be considered and held to be his residence.

6. The place where an unmarried man sleeps shall be considered and held to be his residence.

7. If a person shall go from this State into any other State or Territory and there exercise the right of suffrage, he shall be considered and held to have lost his residence in this State.

8. All qualified electors shall vote in the election precinct in the county where they may reside for county officers, and in any county in the State for state officers, or in any county of a congressional district in which such electors may reside for members of Congress.

§ 3319. Ballot Boxes to Be Opened Before Voting Begins—Keys.

It shall be the duty of the judges of election or the chairman thereof, immediately before proclamation is made of the opening of the polls, to open the ballot boxes in the presence of the people there assembled, and turn the same upside down so as to empty the said boxes of anything that may be in them, and then lock said boxes securely, and they shall not be reopened until for the purpose of counting the ballots therein at the close of the election. During the election one of the judges, other than the chairman, shall have the custody of the keys.

§ 3320. Restrictions Within Fifty Feet of Polls.

In all incorporated cities and towns in this State no person shall approach or stand within fifty feet of the polls when open for the purpose of receiving votes, except such peace officers as are particularly selected or appointed by the judges to preserve order or enforce the law within such limits, and electors actually desiring and proceeding to vote, and but ten electors shall be permitted to approach the polls within fifty feet at the same time; *provided, however*, that the said judges of election shall, if requested, permit one person from each political party, selected by the party, to stand outside of the guard rail at the polls, while open for receiving votes, for the purpose of challenging voters; and the said judges of election shall, if requested, permit the respective candidates or some person selected by a candidate or by several candidates, or by a political party, to be present in the room, but outside of the guard rail, where the said judges are during the

time of receiving and counting the votes. Such selection shall be evidenced by a writing signed by the chairman and secretary of such political party, or by the candidate or candidates, and presented to and filed with the judges:

§ 3321. Powers of Judges of Elections to Punish Offenses.

For the purpose of holding elections and preserving order at the polls, the judges of election are hereby appointed and invested with the jurisdiction and authority of justices of the peace during the time of holding elections, and they, or a majority of them, are hereby authorized to impose and enforce a fine not exceeding \$50 for each offense, to be applied to the benefit of the school fund, on any person or persons who shall conduct themselves in a disorderly or riotous manner at the polls, and shall persist in such conduct after having been warned of the consequences, or who shall refuse to move from the polls fifty feet when directed, or on any person who shall be detected in the commission, in the immediate presence of the judges, of any offenses defined by this act, and on the refusal or neglect to forthwith pay the same to the chairman to commit him or them to the common jail of the county for any time not exceeding twenty-five days, or until the fine is paid; and the sheriff, deputy sheriff, constable, and jailor, and policeman of any incorporated city or town, are hereby required to forthwith execute said order as though it had been issued by a magistrate in due form of law. If no sheriff, deputy sheriff, constable, or policeman be present, the judges may appoint a special constable or constables to execute their orders.

§ 3322. Compensation of Election Officers.

There shall be allowed by the county court of each county to the several judges and clerks of election \$3 per day while holding elections, and to the person carrying the poll book, tally sheet, ballot boxes, and ballot stubs and other property from the place of election to the clerk's office, the sum of ten cents per mile for going and returning, to be paid out of the county treasury; and each county court shall audit and pay out of the county treasury such fees as the services performed by the county clerk and the sheriff, under this act are, in the judgment of the county court, reasonably worth; also such other necessary expenses as are incurred by such officers in carrying out the provisions of this act.

See note to Section 3392.

§ 3323. In Counties Without Clerk, Clerk of County Court to Act.

In all counties which have no county clerk, the clerk of the county court shall perform all the duties required by this act to

be done or performed by the county clerks in the other counties, and all things which are required by this act to be done or filed in the office of the county clerk, in all counties having no such office, the same shall be done or filed in the office of the clerk of the county court of such county.

Section 3323, as passed by the legislature, reads: "In Multnomah County, and in all other counties which have no county clerk," etc. The act of 1901, p. 282 (Sections 3019 to 3021), abolished the office of clerk of the county court of Multnomah County, and created that of county clerk, upon whom the duties of the former office are devolved. The act provides, in effect, that wherever the office of clerk of the county court is mentioned in any law or statute, it shall be read so as to mean county clerk. This section (3323), in view of the act of 1901 above referred to, has been changed by omitting all reference to Multnomah County. See note to Section 3021.

§ 3324. Form of Poll Books—Names of Electors to Be Certified.

The following shall be the form of the poll books to be kept by the judges and clerks of election under this act:

POLL BOOK OF THE ELECTION HELD IN.....PRECINCT, IN
THE COUNTY OF.....ON THE.....DAY OF.....,
IN THE YEAR 19.....

State of Oregon, County of.....,Precinct, ss.
We,.....and....., judges of said election, being first duly sworn, severally say upon oath, I will perform the duties of judge of election according to law, and that I will studiously endeavor to prevent fraud, deceit and abuse in conducting the election.

....., Chairman.
....., Judge.
....., Judge.

Subscribed and sworn to before me this.....day of....., 19.....
State of Oregon, County of.....,Precinct, ss.
We,.....and....., clerks of said election, being first duly sworn, severally say upon oath, I will perform the duties of clerk of election according to law, and that I will studiously endeavor to prevent fraud, deceit and abuse in conducting the election.

....., Clerk.
....., Clerk.

Subscribed and sworn to before me this.....day of....., 19.....
A. B., chairman, C. D. and E. F., the judges, and G. H. and J. K., clerks of said election, were respectively sworn (or affirmed) according to law, previous to their entering on the duties of their respective offices.

NUMBER AND NAMES OF ELECTOR.

- No. 1. (Name of elector.)
- No. 2. (Name of elector.)
- No. 3. (Name of elector.)

We hereby certify that the number of electors who voted at the above polling place and election was as follows:

Voted for state, district, county, and precinct officers.....(No.)
Voted for district and state officers.....(No.)
Voted for state officers.....(No.)

Total number of ballots cast.....(No.)

....., Chairman.
....., Judge.
....., Judge.
....., Clerk.
(Who kept this poll book.)
....., Clerk.
(Who kept the other poll book.)

Immediately after the close of the polls the names of the electors who voted shall be counted, and the number written and certified in each of the poll books at the end of the list, and the same shall be immediately signed by the chairman and each of the judges and clerks in the manner indicated above.

The official returns or canvass when duly certified is *prima facie* evidence that the result is as declared. As against ballots not properly kept and the identity of which is not shown, such official canvass, though secondary is the better evidence; but the official

canvass, unless made so by statute, is never conclusive. When it is shown however, that the ballots have not been tampered with, they are the best evidence: *Hartman v. Young*, 17 Or. 155, 20 Pac. 17, 11 Am. St. Rep. 787, note.

§ 3325. Ballots Read, Counted, Tallied, and Strung.

Within one hour after the poll books are signed in the manner prescribed in section 3324, if there is but a single board, but if there is a second board, then the second board shall proceed forthwith to read and tally each ballot. Only one ballot shall be removed from the ballot box at one time, and it must be fully read, counted, and tallied before another ballot is removed from the box. The chairman shall take out one ballot and shall immediately read and announce distinctly while the ballot remains in his hands, and while one of the judges, not of the same political party as the chairman, and such bystanders as have a right to be present outside the guard rail, overlook the ballot; *first*, the number corresponding with the printed name, and also the surname of the person voted for, for each office; *second*, the name of each person whose name has been written in the ballot, and the name of the office for which the ballot is to count; then deliver the ballot to the second judge, who shall examine the same, and who shall pass it to the third judge, who shall also examine the same, and immediately fold it and sign his name upon the outer back of the ballot, and number it consecutively in the order in which it is counted, with pen and ink, and string it on a strong string and carefully preserve the same; and the same method shall be pursued in respect to each of the ballots in the ballot box. The ends of the string upon which the ballots have been strung shall then be securely knotted together, united and sealed under the official signatures and seals of the judges and clerks who counted it. The blank seals of the judges and clerks shall be supplied in the first instance by the Secretary of State, and by the county clerk later, in suitable quantities along with the other election supplies. They shall be made of paper, kind, quality, etc., known to the trade as flat writing paper, white manila, sixteen-pound folio, cut into sizes for each seal of about five and one-half inches by seven inches. On one side they shall be well coated over the whole surface with a good quality of fish glue. On the

opposite shall be printed the following so arranged that the signatures of the judges and clerks of election shall be in the middle portion of the seal, to wit:

FORM.

NOTE.—It is a felony to forge or alter this seal, or for any person to break this seal contrary to law.

Official seal of the board of judges and clerks of election precinct No....., Board No.....

....., Chairman.
 Judge.
 Judge.
 First Clerk.
 Second Clerk.
 Third Clerk.

In the county of....., Oregon, held on the.....day of....., 19....

NOTE.—The judges and clerks are not used by judges shall be destroyed not to sign this seal until just before by fire as soon as the returns are using the same and all blank seals completely sealed.

§ 3326. Form of Tally Sheet—Tally, How Made and Certified.

The following shall be the form of the tally sheets kept by the judges and clerks of the election under this act:

Tally sheet of the election held at.....precinct, in the county of....., on the.....day of....., in the year of 19....., containing the number and name of each person voted for, the particular office each person was voted for, the total number of votes cast for each candidate.

The tally or count, as it is kept by each of the clerks, shall be audibly announced as it proceeds, and it shall be kept in the manner and form as follows:

No.	Name of candidate	Office	Total vote received	No.	Tally 5	No.	Tally 10	No.	Tally 15
12	-----	-----	-----	12	-----	12	-----	12	-----
13	-----	-----	-----	13	-----	13	-----	13	-----
14	-----	-----	-----	14	-----	14	-----	14	-----

The columns for the numbers 12, 13, 14, etc., shall not be over three-eighths [of an] inch wide. The columns of the tallies shall be three-eighths [of an] inch wide, the lines shall be three-eighths [of an] inch apart; every ten lines the captions of the column shall be reprinted between double ruled lines in bold-faced small pica, and all the figures shall be

printed in bold-faced small pica. The tally sheets shall conclude with the following form of certificate:

We hereby certify that at the above election and polling place each of the foregoing named persons received the number of votes set opposite his name as above set forth for the office specified.

....., Clerk.
 (Who kept this sheet.)
 , Chairman.
 , Judge.
 , Judge.
 , Clerk.
 , Clerk.
 (Who kept the other sheet.)

During the counting of the ballots each clerk shall, with pen and ink, keep tally upon one of the above tally sheets, and shall total the number of tallies and write the total in ink, immediately to the right of the last tallies for each candidate, and also in the columns headed "total vote," and shall prepare the certificate thereto above indicated; and immediately upon the completion of the count all the clerks shall sign the tally sheet, and each of them shall certify which sheet was kept by him; and the chairman and the judges, being satisfied of the correctness of the same, shall then sign all three of said tally sheets. The clerks shall then prepare a statement of that portion of all the tally sheets showing the number and name of each candidate and the office and total votes received by each in the precinct, and shall prepare the certificate thereto, which statement shall be signed by the judges and clerks to complete the count, and shall be immediately posted in a conspicuous place on the outside of said polls, there to remain for ten days. When two boards of judges and clerks participate in the counting of the ballot, each board shall keep and certify its own separate tally sheets. When one board is relieved by the other board, the retiring board shall, before adjourning, total up the tallies representing the ballots so far counted for each candidate, and a memorandum of the total vote received by each candidate shall be noted on the tally sheet in ink, immediately above the last tallies for each candidate, all done in ink, but in such a manner as not to render the tally sheet unfit for continuing the count upon the reconvening of the board. During the recess the chairman and the second judge of the board shall each have the custody of one of the tally sheets, and the third sheet shall be deposited in the ballot box, all three sheets being kept sealed under the official seal of the board until the board reconvenes. When it is seen which board will have to complete the count, the outgoing board shall complete the addition and certifications upon its tally sheets, and deliver two sets of its tally sheets

to the chairman of the board which is to complete the count of the ballot. The third tally sheet shall be sealed under the official seal of the board, indorsed on the outside to identify it, and retained by the chairman of the board which made and certified it, to be kept by him safely, subject to the control of the proper court.

§ 3327. Ballot Boxes, Tally Sheets, and Ballots, Provisions Concerning.

Immediately after canvassing the votes in the manner aforesaid, the judges and clerks to complete the count before they separate or adjourn, shall inclose the poll books in separate covers and securely seal the same. They shall also inclose the tally sheets in separate envelopes and seal the same securely. They shall also envelope all the ballots strung on strings, as aforesaid, and seal the same securely; and they shall, in writing, with pen and ink, specify the contents, and address each of said packages upon the outside thereof to the county clerk of the county in which the election precinct is situated. When two boards participate in counting the ballots, each board, before taking its recess, shall knot the ends of the string upon which the ballots which it has counted are strung, and seal the knotted ends under the official seal of the board upon the back of the uppermost ballot. They shall then envelope the bunch of ballots and securely seal the package under their official seal, and leave the same with the ballot boxes until the count is completed. These sealed packages of counted ballots shall be marked on the outside, showing what numbers are contained therein, but once sealed they are not to be opened by any one until so ordered by the proper court. When the count is completed, the ballots, counted and sealed, and enveloped and marked for identification as aforesaid, shall be packed in the two ballot boxes, and nothing else shall be put into the boxes. The boxes shall then be locked, and the official seal of the board which finally completed the count shall be pasted over the keyhole and over the rim of the lid of the box, so that the box cannot be opened without breaking the seal. Thereafter neither the county clerk nor the canvassers making abstracts of the votes, shall break said seals upon the ballot boxes, nor shall any one break the seals on the boxes or the ballots, except upon the order of the proper court in case of a contest, or upon the order of the county court when the boxes are needed for the next election.

§ 3328. Custody of Tally Sheets and Poll Books.

One complete set of the tally sheets and the poll book which was kept by the second clerk, ballots and stubs, ballot boxes

and remaining supplies, shall be forthwith conveyed by one of the judges or clerks of election, to be agreed upon for that purpose by the judges, to the county clerk of the county. The remaining complete set of the tally sheets and poll book, inclosed in an envelope and cover, and sealed securely as aforesaid, addressed and indorsed on the outside so that the same can be identified, shall be forthwith deposited with one of the judges, not of the same political party as the judge or clerk who conveys the duplicates to the county clerk, to be kept by him safely, subject to the control of the proper court. When two boards have been engaged in counting the ballots, the judges completing the count shall attach the two sets of tally sheets together, and transmit and deposit the completed sets. The chairman of each board shall keep the third tally sheet of his own board, sealed and indorsed on the outside so that the same can be identified, in his possession, subject to the control of the proper court.

§ 3329. Only White Ballots Counted.

In the canvass of the votes only white ballots furnished under the provisions of this act shall be counted, and any ballot from which it is impossible to determine the elector's choice for any of the offices shall be void and shall not be counted.

§ 3330. Rejected Ballots.

The judges shall carefully envelope all ballots cast which are rejected or defective and not counted for any office, and seal the same securely and address the same to the county clerk and indorse the same so that they may be identified, and shall transmit the same along with the other ballots to the county clerk, as aforesaid. The chairman shall write with pen and ink upon the back of every such ballot, immediately after the same is discovered, the words, "wholly defective," and sign his initials thereto.

§ 3331. Partially Defective Ballots.

Any ballot from which it is possible to determine the elector's choice for a part of the offices shall be counted for such part, but the remainder of the ballot from which it is impossible to determine the elector's choice shall be void as to such defective part, and such defective part shall not be counted. The judges shall disregard misspelling or abbreviations of the names of candidates for office if it can be ascertained from such ballot for whom it was intended. Every such ballot not counted for any party shall be immediately

indorsed on the back thereof with pen and ink by the chairman "Not counted for _____" (stating what office or offices), who shall sign his initials thereto.

§ 3332. Ballots in Wrong Box.

In the canvass of the votes all ballots found in the box marked "State and District," which are marked "State," as provided in section 3406, shall be considered and counted only for such State offices as are to be filled at the election, and all ballots so marked "State and District," as provided in said section 3406 shall be considered and counted only for such State and district offices as are to be filled at the election, and the names of persons thereon for other than State and district offices shall not be considered or counted.

OF THE NOMINATION OF CANDIDATES.

§ 3333. Nomination by Political Party or Electors.

Any political party, and any assembly of electors as hereinafter defined, and also individual electors to the number hereinafter specified, by causing a certificate of nomination to be duly prepared and filed in the manner hereinafter provided, may nominate one candidate for each public office to be filled at the election, whose name shall be placed upon the ballots to be furnished as hereinafter provided. A political party within the meaning of this act is an affiliation of electors representing a political party which, at the general election next preceding, polled at least five per cent of the entire vote cast in the State, county, precinct, or other electoral district for which the nomination is made for representative in Congress, or which shall present a petition with the signatures of at least five per cent of the electors of that district, stating their intention to form a new political party, giving the designation thereof. An assembly of electors, within the meaning of this act, is an organized body of not less than one hundred electors of the State or electoral division thereof for which the nomination is made.

§ 3334. Certificates of Nomination—Verified by Affidavit.

Every such certificate of nomination made by such political party or assembly may contain the name of one candidate for each office to be filled at the election. It shall state such facts concerning the party or assembly as are required by Section 3333 for its acceptance, and as are required to be stated therein by Section 3336. In conclusion, it shall be signed by the presiding officer and secretary of the party or assembly by which

it purports to be made, and an affidavit shall be made thereon by such presiding officer and secretary, and subscribed and sworn to (or affirmed) by them before some person authorized to administer oaths, to the effect that the statements therein are true, and the certificate of the oath or affirmation shall accompany the certificate of nomination.

§ 3335. Percentage of Electors to Nominate.

Every such certificate of nomination made by individual electors, as aforesaid, of a candidate for any office to be filled by the electors of the State at large, or for members of Congress, shall be signed by not less than two per cent of the electors of the State or congressional district; and of a candidate for an office to be filled by the electors of an electoral district or county of the State, shall be signed by not less than three per cent of the electors of such district or county; and of a candidate for any office to be filled by the electors of a precinct or for the office of constable or justice of the peace, shall be signed by not less than three per cent of the electors of such precinct or justice of the peace district. For the purpose of this section, the number of electors shall be determined by the vote last cast for Governor or presidential electors, as the case may be. Each elector signing a certificate of nomination shall add to his signature his place of residence, with the street and number thereof, if any, and each elector shall be qualified to subscribe to only one such certificate of nomination for each office to be filled at the election. Except in the case of electors of President and Vice-President of the United States, every such certificate of nomination made by individual electors shall contain the name of only one candidate. At least two of the signers to each such certificate of nomination made by individual electors shall swear (or affirm) before some person authorized to administer oaths that the statement and signatures therein are true, and that the requisite number of signers thereto are qualified to make such nomination, and the certificate of such oath or affirmation shall be annexed to the certificate of nomination.

§ 3336. What Certificates of Nomination Shall State.

All certificates of nomination shall state such facts as are required by this act, and also—

1. The name of the candidate;
2. The office for which he is nominated;
3. The party or political principle which he represents, expressed in not more than three words;
4. His place of residence, with street and number thereof, if any;

In the case of electors of President and Vice-President of the United States, the names of the candidates for President and Vice-President they represent may be added to the party or political appellation, and the names of all the nominees for electors of President and Vice-President may be upon the same certificate of nomination.

§ 3337. Qualifications of Nominating Electors.

No person who is not an elector shall be qualified to join in nominating any candidate. No elector shall be qualified to join in a certificate of nomination made by individual electors in nominating more than one person for each office to be filled. No person shall be qualified to be a candidate for more than one office to be filled at the same election.

§ 3338. Acceptance of Nomination.

A certificate of nomination may be accompanied by the acceptance of the nominee, in which case the acceptance shall be indorsed upon the certificate of nomination and signed by the nominee, or it may be by a letter or telegram from the nominee attached to the certificate of nomination and filed therewith. If the certificate of nomination is not thus accompanied by the acceptance of the nominee, he may at any time after the certificate of nomination is filed and before the time for filing nominations for such office has expired, file his acceptance thereof in the same manner in the same office where the certificate of nomination is filed. The officer with whom it is filed shall indorse the same and attach it to the certificate of nomination to which it refers. Several different certificates of nomination may thus be filed nominating the same person for the same office, and the person so nominated may accept one or more of said nominations; but unless such nominee accepts a nomination in some one of the ways and within the time aforesaid, it shall not be considered as completed.

§ 3339. Certificates of State Nomination—When Filed.

All certificates of nomination of candidates for offices to be filled by the electors of the State at large and for members of Congress shall be filed with the Secretary of State. If such certificate of nomination be made by a convention or assembly, it shall be filed with the Secretary of State not more than one hundred (100) days and not less than forty-five (45) days before the day fixed by law for the election. If such certificate of nomination be made by individual electors, it shall be filed with the Secretary of State not more than one hundred (100) and not less than thirty (30) days before the day fixed by law for the election.

§ 3340. Certificates of District Nominations, Not Congressional—When Filed.

All certificates of nomination of candidates for offices to be filled by the electors of an electoral district, other than a congressional district, or county, or precinct, shall be filed with the county clerk of the county; and if such electoral district embraces more than one county, then a duplicate thereof shall be filed with the county clerk of each county within such electoral district. If such certificate of nomination be made by a political party or assembly, it shall be filed with such county clerk or clerks not more than one hundred (100) days and not less than thirty (30) days before the day fixed by law for the election. If such certificate of nomination be made by individual electors, it shall be filed with such county clerk or clerks not more than one hundred (100) days and not less than fifteen (15) days before the day fixed by law for the election.

§ 3341. Register of Nominations.

Immediately after each certificate of nomination is filed, the county clerk shall enter in a book marked "Register of Nominations," the date when the certificate was filed with him, the name of each candidate, the office for which he is nominated, and the name of the party or convention or assembly making the nomination, together with the names of the chairman and secretary certifying the same; and in case the certificate of nomination is made by individual electors, the names of the two signers who make oath thereto, and the total number of signatures thereto. As soon as the acceptance or withdrawal of the candidate is filed it shall also be entered upon said register.

§ 3342. Copies of Records.

All such certificates of nomination, acceptances, and withdrawals, as soon as filed, shall be public records, and shall be open to public inspection under proper regulations; and when a copy of any certificate of nomination, acceptance, or withdrawal is presented at the time the original is filed, or at any time thereafter, and a request is made to have such copy compared and certified, the officer with whom such certificate of nomination was filed shall forthwith compare such copy with the original on file, and, if necessary, correct the copy and certify and deliver the copy to the person who presented it. All certificates of nomination, acceptances, withdrawals, poll books, tally sheets, ballots, and ballot stubs shall be preserved as other records are, for two years after the election to which they pertain, at which time, unless otherwise ordered or

restrained by some court, the county clerk shall destroy the ballots and ballot stubs by fire, without any one inspecting the same.

§ 3343. Withdrawing Nomination.

Any person who has been nominated and accepted some nomination, as provided in this act, may cause his name to be withdrawn from nomination at any time prior to the election, by a writing declining the nomination, stating the reason, signed and acknowledged by him before some officer authorized by the laws of this State to take acknowledgments of deeds, and certified by such officer, and by filing the same with the Secretary of State or the county clerk or clerks with whom the certificate nominating him as a candidate was filed. Such withdrawal may be sent by telegram to the Secretary of State through a county clerk, as provided by section 3346, in case of certificates of nomination.

§ 3344. Notice of Death or Withdrawal.

If any person nominated as herein provided dies or withdraws before the day fixed by law for the election, and the fact of the death becomes known to the satisfaction of the officer, the Secretary of State or county clerk or clerks in whose office the certificate of nomination nominating such person was filed, shall forthwith give notice by posting a certificate of the fact in a conspicuous place in his office. In every such case the name of the candidate who has died or withdrawn shall not be printed upon the ballots, and if already printed, shall be erased or canceled before the ballots are delivered to the electors.

§ 3345. Nomination to Fill Vacancy.

If the original nomination thus vacated was made by a political party or assembly, and [such] party or assembly can reconvene, it may fill the vacancy before the day fixed by law for the election. If the party or assembly has delegated to a committee the power to fill such vacancies, such committee may likewise fill the same. In every case where the original candidate dies or withdraws, as many certificates of nomination made by electors to fill the same office shall be filed as are duly presented to the proper officer before the day fixed by law for the election. The certificate to fill such vacancy shall substantially conform with the requirements for an original certificate of nomination, and shall be filed with the same officer the original certificate was filed with.

§ 3346. Certificate to Fill Vacancy—How Filed.

When such original certificate of nomination thus vacated was filed with the Secretary of State, the certificate to fill the vacancy thus occasioned shall be filed with him, and it may be filed directly with the Secretary of State or in the following manner: It may be presented in duplicate to any county clerk, who shall file one of the certificates in his office, and upon being tendered the cost of transmitting the same, it shall be the duty of such county clerk to forthwith cause the certificate of nomination to be telegraphed to the Secretary of State and repeated back, and he shall also forthwith mail the duplicate thereof by registered letter to the Secretary of State. The Secretary of State shall file said telegraph copy of the certificate the same as if it was the original, and he shall also file the duplicate when the same arrives by mail. The Secretary of State shall, in certifying the nomination to the several county clerks, omit the name or names of all such candidates filed with him who die or withdraw, as aforesaid, and instead thereof he shall certify the name or names of the persons who have thus been nominated to fill such vacancy. In the event that he has already sent forth his certificate, he shall forthwith certify to each county clerk by telegraph if necessary, the name and residence of each person so nominated to fill such vacancy, the office he is nominated for, the party or principle he represents, and the name of the person for whom such nominee or nominees are substituted. Every county clerk shall proceed thereafter in conformity with said later certification.

§ 3347. Arrangement and Notice of Nominations.

Not more than thirty (30) days and not less than twenty-eight (28) days before the day fixed by law for the election, the Secretary of State shall arrange, in the manner provided in this act for the arrangement of the names and other information upon the ballots, all the names and other information concerning all the candidates contained in the certificates of nomination which have been filed with him, and accepted by the nominees, in accordance with the provisions of this act, and he shall forthwith certify the same under the seal of the State and file the same in his office, and make and transmit a duplicate thereof by registered letter to the county clerk of each county in the State; and he shall also post a duplicate thereof in a conspicuous place in his office and keep the same posted until after said election has taken place.

§ 3348. Arrangement of Ballots and Notice.

Not more than fifteen (15) and not less than twelve (12) days before the day fixed by law for the election, the county

clerk of each county shall arrange, in the manner provided by this act for the arrangement of the names and other information upon the ballot, all the names and other information concerning all the candidates contained in the certificates of nomination which have been filed with him and accepted by the nominees, and which have been certified to him by the Secretary of State in accordance with the provisions of this act, and he shall forthwith certify the same under the seal of the county court and file the same in his office, and make and post a duplicate thereof in a conspicuous place in his office and keep the same posted until after the election has taken place; and he shall forthwith proceed and cause to be printed, according to law, the colored or sample ballots and the white ballots required by this act.

DIRECT PRIMARY NOMINATING ELECTIONS.

§ 3349. Rules of Construction.

The provisions of this law shall at all times be construed in such manner as shall make it operate as nearly as possible in accordance with the foregoing statement of the theory on which it is based. Whenever the provisions of this law in operation prove to be of doubtful or uncertain meaning, or not sufficiently explicit in directions and details, the general laws of Oregon, and especially the election and registration laws, and the customs, practice, usage, and forms thereunder, in the same circumstances or under like conditions, shall be followed in the construction and operation of this law, to the end that the protection of the spirit and intention of said laws shall be extended so far as possible to all primary elections, and especially to all primary nominating elections provided for by this law.

§ 3350. When Primary Elections to Be Held.

On the forty-fifth day preceding any election (except special elections to fill vacancies, presidential elections, municipal elections in towns or cities having a population of less than two thousand, and school elections) at which public officers in this State and in any district or county, and in any city having a population of two thousand or more at which public officers are to be elected, except as provided in section 3354, as to time in certain cities and towns, a primary nominating election shall be held in accordance with this law in the several election precincts comprised within the territory

for which such officers are to be elected at the ensuing election, which shall be known as the primary nominating election, for the purpose of choosing candidates by the political parties, subject to the provisions of this law, for senator in Congress and all other elective State, district, county, precinct, city, ward and all other officers, and delegates to any constitutional convention or conventions that may hereafter be called, who are to be chosen at the ensuing election wholly by electors within this State or any subdivision of this State, and also for choosing and electing the county central committeemen by the several parties subject to the provisions of this law. *Provided:*

(a) In the years when a president and vice president of the United States are to be elected, said primary nominating election shall be held on the forty-fifth day before the first Monday in June of said year; and all laws pertaining to the nomination of candidates, registration of voters and all other things incident and pertaining to the holding of the regular biennial nominating election, shall be enforced and effected the same number of days before the first Monday in June that they were under the said nominating election law immediately before the change in the date of the regular election from the first Monday in June to the first Tuesday after the first Monday in November.

(b) When candidates for the offices of president and vice president of the United States are to be nominated, every qualified elector of a political party subject to this law shall have opportunity to vote his preference, on his party nominating ballot, for his choice for one person to be the candidate of his political party for president, and one person to be the candidate of his political party for vice president of the United States, either by writing the names of such persons in blank spaces to be left on said ballot for that purpose, or by marking with a cross before the printed names of the persons of his choice, as in the case of other nominations. The names of any persons shall be so printed on said ballots solely on the petition of their political supporters in Oregon, without such persons themselves signing any petition, signature or acceptance. The names of persons in such political party who shall be presented by petition of their supporters for nomination to be party candidates for the office of president or vice president of the United States, shall be printed on the nominating official ballot, and the ballots shall be marked, and the votes shall be counted, canvassed and returned in like manner and under the same conditions as to names, petitions and other matters, as far as the same are applicable, as the names and petitions of aspirants for the party nominations for the office of Governor and

for United States Senator in Congress are or may be by law required to be marked, filed, counted, canvassed, and returned.

(c) The members of the political parties subject to this law shall elect their party delegates to their national conventions for the nomination of their party candidates for president and vice president of the United States, and shall nominate candidates for their party presidential electors at such nominating election. The Governor shall grant a certificate of election to each of the delegates so elected, which certificates shall show the number of votes received in the State by each person of such delegate's political party for nomination as its candidate for president and for vice president. Nominating petitions for the office of delegate to the respective party national conventions, to be chosen and elected at said nominating election, shall be sufficient if they contain a number of signatures of the members of the party equal to one per cent of the party vote in the State at the last preceding election for Representative in Congress, provided that not more than five hundred signatures shall be required on any such petition. Every qualified voter shall have the right at such nominating election to vote for the election of one person and no more to the office of national delegate for his party, and to vote for the nomination of one aspirant and no more for the office of presidential elector as the candidate of his party. A number of such candidates equal to the number of delegates to be elected by each party which is subject to the provisions of this law, receiving, respectively, each for himself, the highest number of votes for such office, shall be thereby elected. Every political party subject to the provisions of this law shall be entitled to nominate, at said nominating election, as many candidates for the office of presidential elector as there are such officers to be elected; that number of aspirants in every such party who shall receive, respectively, each for himself the highest number of votes of his party for that nomination, shall be thereby nominated as a candidate of his political party for the office of presidential elector.

(d) Every delegate to a national convention of a political party recognized as such organization by the laws of Oregon, shall receive from the State treasury the amount of his traveling expenses necessarily spent in actual attendance upon said convention, as his account may be audited and allowed by the Secretary of State, but in no case to exceed two hundred dollars for each delegate; *provided*, that such expenses shall never be paid to any greater number of delegates of any political party than would be allowed such party under the plan by which the number of delegates to the Republican National Convention was fixed for the Republican party of Oregon in

the year 1908. The election of such national delegates for political parties not subject to the Direct Primary Nominating Elections Law shall be certified in like manner as nominations of candidates of such political parties for elective public offices. Every such delegate to a national convention to nominate candidates for president and vice president, shall subscribe an oath of office that he will uphold the constitution and laws of the United States and of the State of Oregon, and that he will, as such officer and delegate, to the best of his judgment and ability, faithfully carry out the wishes of his political party as expressed by its voters at the time of his election. [Laws 1911, Chapter 5.]

§ 3351. Election Precincts and Boards.

The election precincts provided by Section 3304, and the judges and clerks and the polling places provided by Section 3305, shall be the same for the primary nominating elections provided for in this law, and it shall be the duty of the judges and clerks so provided for to act as such at all primary nominating elections herein provided for, except as otherwise provided by Section 3354. In all election precincts in which second boards of judges and clerks have been or may be appointed as required by Section 3306, and in which an aggregate of more than one hundred members of all or any of the political parties subject to the provisions of this law are registered as such before the day of the primary nominating election, the said second board of judges and clerks shall meet at 7 o'clock P. M. at their respective polling places, and thereafter the boards of judges and clerks shall proceed at the primary nominating election as required by said Section 3306 at a general election.

§ 3352. Notices of Primary Elections.

It shall be the duty of the county clerk thirty days before any primary nominating election, to prepare printed notices of such election and mail two of said notices to each judge and clerk of election in each precinct; and it shall be the duty of the several judges and clerks immediately to post said notices in public places in their respective precincts. Said notices shall be substantially in the following form:

PRIMARY NOMINATING ELECTION NOTICE.

Notice is hereby given that on....., the.....day of....., 19...., at the....., in the precinct of....., in the county of....., Oregon, a primary nominating election will be held at which the [insert names of political parties subject to this law] will choose their candidates for state, district, county, precinct, and other offices, namely [here name the offices to be filled, including a Senator in Congress when the next Legislative

Assembly is to elect a Senator, delegates to any constitutional convention then called, and candidates for county central committeemen to be elected]; which election will be held at 12 o'clock noon and will continue until 7 o'clock in the afternoon of said day.

Dated this.....day of....., 19....

....., County Clerk.

§ 3353. Sections Applicable to.

The provisions of Sections 3306, 3308, 3309, 3310, 3311, 3313, 3314, 3315, 3316, 3317, 3318, 3319, 3320, 3321, 3322, 3323, 3324, 3325, 3326, 3327, 3328, 3329, 3330, 3331, and 3332 shall apply to and are hereby made applicable to primary nominating elections under the provisions of this law, except in so far as they may be modified herein or be in conflict herewith, and each poll book at the primary nominating election shall have a column headed with the name of each party so making its nominations, for writing in the voter's party number as he receives his ballot, in addition to his general number, *and provided*, that for the purposes of the primary nominating elections, there shall be added to the form of oath prescribed by said section 3316, the words: "And that you are in good faith a member of the political party with which you are registered." [Laws 1911, chapter 263.]

§ 3354. Nominating Elections for Municipal Offices—Procedure.

The nomination of candidates for municipal offices by the political parties subject to the provisions of this law, shall be governed by this law in all incorporated towns and cities of this State having a population of two thousand and upward, as shown by the last preceding national or state census. All petitions by the members of such political parties for placing the names of candidates for nomination for such municipal offices on the primary nominating ballots of the several political parties shall be filed with the city clerk, recorder, or auditor, as the case may be, of said several towns and cities, and it shall be the duty of such officers to prepare and issue notices of election for such primary nominating elections in like manner as the several county clerks perform similar duties for nominations by such political parties for county offices at primary nominating elections; and in such towns or cities holding their municipal elections at the same time as any general election, it shall be the duty of said city clerk, recorder, or auditor, as the case may be, on the fifteenth day before the time of holding such primary nominating election, to prepare and certify and deliver to the county clerk of the county in which said city or town is situated, a list of the candidates for nomination who have filed valid petitions

for nomination at such primary nominating election, and all the information in such petitions concerning the said candidates for nomination for municipal offices; whereupon it shall be the duty of said county clerk to arrange in the manner provided by this law the names and information concerning all the candidates for such nomination for city offices contained in the certificate of said city clerk, recorder, or auditor; to certify and post the same in his office, and to cause the same to be printed upon the sample ballots and upon the official ballots of the several political parties to be used at the several polling places within the limits of every such city or town, together with the names of the candidates for state, county, and district offices at such primary nominating election as required by this law, and conform to the general provisions of this law as nearly as may be; and in cities and towns containing a population of two thousand and upward not holding their municipal elections at the same time the general elections are held, the duties imposed by this law on the county clerk at primary nominating elections are hereby, as to all said last described towns and cities, designated to be the duties of the city clerk, recorder, or auditor, as the case may be, of said towns and cities as to primary nominating elections of the political parties subject to the provisions of this law; *provided*, that in such last named cities and towns the primary nominating election shall be held on the thirtieth day preceding their municipal elections. Under the provisions of this law the lawfully constituted legislative and executive authorities of cities and towns within the provisions of this section not holding their municipal elections at the same time the general elections are held, shall have such power and authority over the establishment of municipal voting precincts and wards, municipal boards of judges and clerks of election and other officers of their said municipal elections, and other matters pertaining to municipal primary nominating elections required for such cities and towns by this law, that such legislative and executive authorities have over the same matters at their municipal elections for choosing the public officers of said cities and town; *and provided further*, that nothing in this act contained shall be construed as altering or repealing any provision of the charter of any such last described city or town providing for the appointment of judges and clerks of election by the council or other lawfully constituted authority of such city or town, or as altering or repealing any of the provisions of Title XXVI, providing for the appointment of judges and clerks of election in towns and cities organized under the provisions of said Title XXVI.

§ 3355. Proceedings at Close of Election—Count.

Immediately after the closing of the polls at a primary nominating election the names of the electors of each political party who voted at said primary nominating election shall be counted, and the number so voting for each political party written and certified in each of the poll books at the end of the list, and the same shall be immediately signed by the chairman and each of the judges and clerks in the manner provided by section 3324 for a general election, and immediately thereafter the clerks and judges of election shall open the ballot boxes at each polling place and proceed to take therefrom the ballots. Said officers shall count the number of ballots cast by each political party, at the same time bunching the tickets cast for each political party together in separate piles, and shall then fasten each pile separately by means of a brass clip, or may use any means which shall effectually fasten each pile together at the top of each ticket. As soon as the clerks and judges have sorted and fastened together the ballots separately for each political party, then they shall take the tally sheets provided by the county clerk and shall count all the ballots for each political party separately until the count is completed, and shall certify to the number of votes for each candidate for nomination for each office upon the ticket of each party. They shall then place the counted ballots in the box. After all have been counted and certified to by the clerks and judges they shall seal the returns for each of said political parties in separate envelopes, to be returned to the county clerk.

§ 3356. Primary Deemed Separate Election for Each Party.

In construing the provisions of this law, and of all sections of this compilation, hereby made applicable to primary nominating elections they shall, as to the duties of officers, forms, blanks, ballots, elections, and all other matters so far as may be, be understood and interpreted as though said primary nominating election is a separate election for each political party making its nominations hereunder, and to be conducted as to that party as nearly as practicable the same as the regular biennial general elections in June are conducted for all the electors, except in so far as the manner of proceeding at said June election may be modified or changed by this law for the purpose of said primary nominating election. The provisions of this law do not modify or in any manner control the proceedings at the regular biennial general elections, except in so far as they may be herein expressly and directly amended.

§ 3357. Tally Sheets, How Kept.

Tally sheets for each political party having candidates to be voted for at said primary nominating election shall be furnished for each voting precinct by the county clerk, at the same time and in the same manner that the ballots are furnished, and shall be substantially as follows:

"Tally sheet of the primary nominating election for..... [name of political party] held at.....precinct, in the county of..... on the.....day of....., 19...."

The names of the candidates shall be placed on the tally sheets and numbered in the order in which they appear on the official and sample ballots, and in each case shall have the proper political party designated at the head thereof.

The following shall be the form of the tally sheets kept by the judges and clerks of the primary nominating election under this law, containing the number and name of each person voted for, the particular office for nomination to which each person was voted for, the total number of votes cast for each candidate for nomination. The tally or count as it is kept by each of the clerks, shall be audibly announced as it proceeds, and shall be kept in the manner and form as follows:

No.	Names of candidate	Office	Total vote received	No.	Tally 5	No.	Tally 10	No.	Tally 15
12	-----	-----	-----	12	-----	12	-----	12	-----
13	-----	-----	-----	13	-----	13	-----	13	-----
14	-----	-----	-----	14	-----	14	-----	14	-----

The columns for the numbers 12, 13, 14, etc., shall not be over three-eighths of an inch wide. The columns for the tallies shall be three-eighths of an inch wide, the lines shall be three-eighths of an inch apart; every ten lines the captions of the columns shall be reprinted between double-ruled lines in bold-faced small pica, and all the figures shall be printed in bold-faced small pica. The tally sheets shall conclude with the following form of certificate:

We hereby certify that at the above primary nominating election and polling place each of the foregoing named persons received the number of votes set opposite his name as above set forth for the nomination for the office specified.

....., Chairman.
 Judge.
 Judge.

....., Clerk.
 (Who kept this sheet.)

....., Clerk.
 Clerk.
 (Who kept the other sheets.)

During the counting of the ballots each clerk shall, with pen and ink, keep tally upon one of the above tally sheets, of each political party, and shall total the number of tallies and write the total in ink immediately to the right of the last tallies for each candidate, and also in the columns headed "total vote," and shall prepare the certificate thereto above indicated; and immediately upon the completion of the count, all the clerks shall sign the tally sheets, and each of them shall certify which sheets were kept by him; and the chairman and the judges, being satisfied with the correctness of the same, shall then sign all of said tally sheets. The clerks shall then prepare a statement of that portion of the tally sheets showing the number and name and political party of each candidate for nomination and the office and total votes received by each in the precinct, and shall prepare the certificate thereto, which statement shall be signed by the judges and clerks to complete the count, and shall be immediately posted in a conspicuous place on the outside of said polls, there to remain for ten days. When two boards of judges and clerks participate in the counting of the ballots, each board shall keep and certify its own separate tally sheets. When one board is relieved by the other board, the retiring board shall, before adjourning, total up the tallies representing the ballots so far counted for each candidate for nomination, and a memorandum of the total vote received by each candidate shall be noted on the tally sheet in ink immediately above the last tallies for each candidate, all done in ink, but in such manner as not to render the tally sheet unfit for continuing the count upon the reconvening of the board. During the recess the chairman and second judge of the board shall each have the custody of one set of the tally sheets, and the third set of sheets shall be deposited in the ballot box, all the third set of sheets being kept sealed under the official seal of the board until the board reconvenes. When it is seen which board will have to complete the count, the outgoing board shall complete the additions and certifications upon its tally sheets, and deliver two sets of its tally sheets to the chairman of the board which is to complete the count of the ballot. The third set of tally sheets shall be sealed under the official seal of the board, indorsed on the outside to identify it, and retained by the chairman of the board which made and certified it, to be kept by him safely, subject to the control of the proper court.

§ 3358. Count Completed and Authenticated.

Immediately after canvassing the votes in the manner aforesaid, the judges and clerks to complete the count, before

they separate or adjourn shall inclose the poll books in separate covers and securely seal the same. They shall also inclose the tally sheets in separate envelopes and seal the same securely. They shall also envelope all the ballots fastened together, as aforesaid, and seal the same securely; and they shall, in writing, with pen and ink, specify the contents, and address each of said packages upon the outside thereof to the county clerk of the county in which the election precinct is situated. When two boards participate in counting the ballots each board, before taking its recess, shall plainly mark and identify the last ballot which it has counted and seal the same under the official seal of the board upon the back of the said uppermost ballot. They shall then string the loose ends of the counted ballots and tie the same tightly and seal the knot and string over the loose end of the ballots with their official seal in such manner that it will show if broken, and leave the same with the ballot boxes until the count is completed. These sealed packages of counted ballots shall be marked on the outside, showing what numbers are contained therein, but once sealed they are not to be opened by any one until so ordered by the proper court. When the count is completed, the ballots counted and sealed, and enveloped and marked for identification as aforesaid, shall be packed in the two ballot boxes, and nothing else shall be put into the boxes. The boxes shall then be locked, and the official seal of the board which finally completed the count shall be pasted over the keyhole and over the rim of the lid of the box, so that the box cannot be opened without breaking the seal. Thereafter neither the county clerk nor the canvassers making abstracts of the votes shall break the said seals upon the ballot boxes, nor shall anyone break the seals on the boxes or the ballots, except upon the order of the proper court in case of contest, or upon the order of the county court when the boxes are needed for the ensuing election.

§ 3359. Political Party Defined—Nominations; How Regulated.

A political party within the meaning of this act is an affiliation of electors representing a political party or organization, which, at the next general election preceding polled for its candidate for representative in congress at least twenty-five per cent of the entire vote cast for that office in the State. Every such political party shall nominate all its candidates for public office, under the provisions of this law and not in any other manner, and it shall not be allowed to nominate any candidate in the manner provided by section 3333. Every political party and its regularly nominated

candidates, members, and officers, shall have the sole and exclusive right to the use of the party name and the whole thereof, and no candidate for office shall be permitted to use any word of the name of any other political party or organization than of that by which he is nominated. No independent or non-partisan candidate shall be permitted to use any word of the name of any existing political party or organization in his candidacy. The names of candidates for public office nominated under the provisions of this law shall be printed on the official ballots for the ensuing election as the only candidates of the respective political parties for such public office in like manner as the names of the candidates nominated by other methods are required to be printed on such official ballots, and the provisions of sections 3347 and 3348 shall apply to and are hereby made applicable to nominations for public office made under this law, so far as the same are not in conflict with the provisions of this law.

§ 3360. Candidates to File Petitions for Nomination.

Before or at the time of beginning to circulate any petition for nomination to any office under this law, the person who is to be a candidate for such nomination shall send by registered mail or otherwise to the Secretary of State or the county clerk or city clerk, recorder, or auditor, as the case may be, a copy of his petition for nomination, signed by himself, and such copy shall be filed and shall be conclusive evidence for the purposes of this law that said elector has been a candidate for nomination by his party. All nominating petitions and notices pertaining to state or district offices to be voted for in more than one county and for judges of the circuit court and district attorneys, shall be filed in the office of the Secretary of State; for county offices and district offices to be voted for in one county only shall be filed with the county clerk; and for all city offices in the office of the city clerk, recorder, or auditor, as the case may be.

§ 3361. Further of Petitions—Statements Nos. 1 and 2.

Any qualified elector who has filed his petition, and is registered as herein required as a member of a political party subject to the provisions of this act, shall have his name printed on the official nominating ballot of his party as a candidate for nomination for any office at any primary nominating election held under the provisions of this act, if there shall be filed in his behalf a petition signed as herein required, and substantially in the following form:

To.....[address of the officer with whom the petition is to be filed], and to the members of the.....party and the electors of

(state) (counties of....., comprising the.....district)
 (county), (city), (as the case may be), in the State of Oregon—
 I,, reside at....., and my postoffice address is
 I am a duly registered member of the.....party. If I
 am nominated for the office of....., at the primary nominating elec-
 tion to be held in the (State of Oregon), (district), (county), (city), the
day of....., 19...., I will accept the nomination and will
 not withdraw, and if I am elected I will qualify as such officer.

If I am nominated and elected I will, during my term of office [here
 the candidate, in not exceeding one hundred words, may state any
 measures or principles he especially advocates, and the form in which he
 wishes it printed after his name on the nominating ballot, in not exceed-
 ing twelve words].

In case of an elector seeking nomination for the office of
 senator or representative in the legislative assembly, he
 may include one of the following two statements in his petition;
 but if he does not do so, the Secretary of State or county
 clerk, as the case may be, shall not on that account refuse
 to file his petition:

STATEMENT NO. 1.

I further state to the people of Oregon, as well as to the people of my
 legislative district, that during my term of office I will always vote for
 that candidate for United States Senator in Congress who has received
 the highest number of the people's votes for that position at the general
 election next preceding the election of a Senator in Congress, without
 regard to my individual preference.

(Signature of the candidate for nomination.)

If the candidate shall be unwilling to sign the above state-
 ment, then he may sign the following statement as a part
 of his petition:

STATEMENT NO. 2.

During my term of office I shall consider the vote of the people for
 United States Senator in Congress as nothing more than a recommenda-
 tion, which I shall be at liberty to wholly disregard, if the reason for
 doing so seems to me to be sufficient.

(Signature of the candidate for nomination.)

Every such petition shall be signed as above by the elector
 seeking such nomination. There shall be a separate leaf or
 sheet signed as above on every such petition for each precinct
 in which it is circulated. After the above and on a separate
 sheet or sheets, shall be the following petition:

To.....(Secretary of State for Oregon), or (to.....,
 the county clerk for the county of....., Oregon), or (to
, city clerk of the city of.....), (as the case may be):

We, the undersigned registered members of the.....party and
 qualified electors and residents of.....precinct, in the county of
, State of Oregon, respectfully request that you will cause
 to be printed on the official nominating ballot for the.....party

at the aforesaid primary nominating election, the name of the above signed.....[name of applicant] as a candidate for nomination to the office of.....[title of office] by said.....party.

Name	Postoffice address	Street and number, if any	Precinct
------	--------------------	---------------------------	----------

Each and every leaf or sheet of said petition containing signatures shall be verified in substantially the following form by one or more of the signers of said petition :

STATE OF OREGON, }
 County of..... } ss.

I,, being first duly sworn, say: I am personally acquainted with all the persons who have signed this sheet of the foregoing petition, and I personally know that their signatures thereon are genuine; and I believe that their postoffice address and residence are correctly stated, and that they are qualified electors and registered members of the.....party.

(Signature of affiant.)

Subscribed and sworn to before me this.....day of....., 19....

(Signature and title of officer before whom oath is made.)

§ 3362. Signatures to Make Petitions Effective.

The vote cast by a political party in each precinct for representative in congress at the last preceding general election shall be the basis on which the percentage for petitions shall be counted; *provided*, that if any political party cast twenty-five per cent of the total votes in the State for representative in congress, although less than the required percentage in any one or more electoral districts, county, municipality or precinct, it shall nevertheless be subject to the provisions of this law in making nominations in such electoral districts, county, municipality and precinct. If the nomination is for a municipal office, or an office to be voted for in only one county, the necessary number of signers shall include electors residing in at least one-fifth of the voting precincts of the county, municipality or district; if it be a state or district office and the district comprises more than one county, the necessary number of signers shall include electors residing in each of at least one-eighth of the precincts in each of at least two counties in the district; if it be an office to be voted for in the State at large, the necessary number of signers shall include electors residing in each of at least one-tenth of the precincts in each of at least seven counties of the State; if it be an office to be voted for in a congressional district, the necessary number of signers shall include electors residing in at least one-tenth of the precincts



in each of at least one-fourth of the counties in such district. The number of signers required on every such petition shall be at least two per cent of the party vote in the electoral district as above stated; *provided*, that the whole number of signers required on a nominating petition under the provisions of this law for any office to be voted for in the State at large, or in a congressional district, shall not exceed one thousand, nor in any other case shall the whole number required exceed five hundred signers. All the leaves or sheets making one petition shall be fastened together before they are forwarded to the proper officers for filing. There shall not be in any petition the name of more than one candidate for nomination. Any elector may sign more than one nominating petition required by this law for the same office. It shall be unlawful for any person to sign another person's name to any petition required by this law. It shall be unlawful for any person to sign any nominating petition required by this law unless he is a qualified elector and at the time of signing has registered for the ensuing election as a member of the political party represented by the petition. Any names or signatures placed on any petition in violation of the provisions of this law shall not be counted in computing the number of signers necessary to make the same a valid and effective petition.

§ 3363. Qualifications of Signers.

No person who is not a qualified elector and a registered member of a party making its nominations under the provisions of this law shall be qualified to join in signing any petition for nomination, or to vote at said primary nominating election, and no person shall be qualified to sign any nominating petition of any other political party for the primary nominating election than that with which he is registered as a member. But this shall not be construed to prevent any registered member of any party from signing a petition for the nomination of any independent or nonpartisan candidate after the primary nominating election, nor shall it be construed to prevent any qualified elector from signing petitions for more than one candidate for the same office on one party ticket.

§ 3364. When Petitions Must Be Filed.

All petitions for nomination under this act for offices to be filled by the State at large, or by any district consisting of more than one county, and nominating petitions for judges of circuit courts and for district attorneys in districts consisting of a single county, shall be filed in the office of the Secretary of State not less than twenty days before the date of the primary nominating election, and for other offices to be voted

NOV

for in only one county or district or city every such petition shall be filed with the county clerk or city clerk, recorder, or auditor, as the case may be, not less than fifteen days before the date of the primary nominating election.

§ 3365. Register of Candidates to Be Kept—Contents.

The county clerk, Secretary of State, and the city clerk, recorder, or auditor of towns and cities having two thousand inhabitants or more, shall keep a book entitled "Register of Candidates for Nomination at the Primary Nominating Election," and he shall enter therein on different pages of the book for the different political parties subject to the provisions of this law, the title of the office sought and the name and residence of each candidate for nomination at the primary nominating election, the name of his political party, the date of receiving the first copy of his petition signed by the candidate, the words he wishes printed after his name on the nominating ballot, if any, the date of receiving his petition, the number of signatures thereon, and the number of signatures required to make a valid and sufficient petition for nomination to said office by his political party, and such other information as may aid him in arranging his official ballot for said primary nominating election. Immediately after the canvass of votes at a primary nominating election is completed, the county clerk, Secretary of State, or city clerk, recorder, or auditor, as the case may be, shall enter in his book marked "Register of Nominations," provided by section 3341, the date of such entry, the name of each candidate nominated, the office for which he is nominated, and the name of the party making the nomination.

§ 3366. Registers to Be Public Records—All Documents to Be Preserved.

Such registers of candidates for nomination and of nominations, and petitions, letters and notices and other writings required by law, as soon as filed, shall be public records, and shall be open to public inspection under proper regulations, and when a copy of any such writing is presented at the time the original is filed, or at any time thereafter, and a request is made to have such copy compared and certified, the officers with whom such writing was filed shall forthwith compare such copy with the original on file, and, if necessary, correct the copy and certify and deliver the copy to the person who presented it on payment of his lawful fees therefor. All such writings, poll books, tally sheets, ballots, and ballot stubs pertaining to primary nominating elections under the provisions

of this act, shall be preserved as other records are, for two years after the election to which they pertain, at which time, unless otherwise ordered or restrained by some court, the county court shall destroy the ballots and ballot stubs, by fire, without any one inspecting the same.

§ 3367. Death or Withdrawal—Vacancies.

The provisions of sections 3343 and 3344 shall apply to nominations or petitions for nominations made under the provisions of this law, in case of the death of the candidate or his removal from the State or his county or electoral district before the date of the ensuing election, but in no other case. In case of any such vacancy by death or removal from the State or from the county or electoral district, such vacancy may be filled by the committee which has been given power by the political party or this law to fill such vacancies substantially in the manner provided by sections 3345 and 3346.

§ 3368. When Ballots to Be Arranged and Sent to County Clerks by Secretary of State.

Not more than twenty days and not less than seventeen days before the day fixed by law for the primary nominating election the Secretary of State shall arrange, in the manner provided by this law, for the arrangement of the names and other information upon the ballots, all the names of and information concerning all the candidates for nomination contained in the valid petitions for nomination which have been filed with him in accordance with the provisions of this law, and he shall forthwith certify the same under the seal of the State, and file the same in his office and make and transmit a duplicate thereof by registered letter to the county clerk of each county in the State, and he shall also post a duplicate thereof in a conspicuous place in his office, and keep the same posted until after said primary nominating election has taken place. In case of emergency the Secretary of State may transmit such duplicate by telegraph.

§ 3369. Local Officer to Prepare and Post Ballot.

Not more than fifteen days and not less than twelve days before the day fixed by law for the primary nominating election, the county clerk of each county, or the city clerk, recorder, or auditor of each city, as the case may be, subject to the provisions of this law, shall arrange in the manner provided by this law for the arrangement of the names and other information concerning all the candidates and parties named in the

valid petitions for nomination which have been filed with him, and those which have been certified to him by the Secretary of State, in accordance with the provisions of this law, and he shall forthwith certify the same under the seal of the county court, or the official seal of his office, as the case may be, and file the same in his office, and make and post a duplicate thereof in a conspicuous place in his office and keep the same posted until after the primary nominating election has taken place; and he shall forthwith proceed and cause to be printed according to law, the colored sample ballots and the official voting ballots for each political party required by this law.

§ 3370. Ballots and Sample Ballots.

The provisions of section 3392 shall apply to and are hereby made applicable to primary nominating elections under this law. All the official ballots designed to be voted at primary nominating elections shall be printed for the Republican party in black ink upon a good quality of white paper; for the Democratic party in black ink upon a good quality of blue paper; and for any third party in black ink upon a good quality of yellow paper; otherwise, except for the party name, the ballots shall be alike for each political party and of the same size in the same county at the same election. Duplicate impressions of the same shall be printed upon cheaper colored paper, but not of any of the colors above named, so as to be readily distinguished from official ballots designed to be voted; these colored ballots shall be used solely as sample ballots for the information and convenience of voters, and, if voted, shall not be counted.

§ 3371. Style and Arrangement of Ballot.

The ballot shall be styled "Official primary nominating election ballot of.....party"; shall state the number or name of the precinct and county they are intended for, and date when election is to be held; shall contain the names of all candidates for nomination for offices to be filled at that election whose petitions have been duly made and filed as herein provided, and who have not died or removed from their electoral districts, and the names of candidates of the several parties in the several precincts for the members of their county central committees, and of delegates to be chosen to any constitutional convention that may be called, and shall contain no other names of persons; the name of each person for whom as a candidate for nomination a valid petition has been duly filed shall be printed on the ballot in but one place,

but there shall be added opposite thereto the measures he especially advocates, expressed in not more than twelve words as specified in the petition for nomination naming him for the office. The names of the candidates for nomination to each office shall be arranged under the designation of the office, in alphabetical order, according to surnames; there shall be left at the end of the list of candidates for nomination to each different office, a blank space in which the elector may write the name of any person not printed on the ballot for whom he desires to vote as a nominee for such office. On the left margin of the ballots for each political party the name of the uppermost candidate for nomination as printed shall be numbered 12, and the next candidate 13, and the next 14, and so on consecutively to the end of the ballot. The blank lines shall not be numbered. Each ballot shall have along the top thereof a stub one and one-half inches wide, perforated along the lower edge thereof; on the left half of the stub shall be printed the words, "Stub to be torn off by the chairman" on the right half, "Stub to be torn off by first clerk," and colored sample ballots shall not be perforated. Immediately below the perforated line shall be printed, in capitals, these words, "Official primary nominating ballot for the.....party for.....precinct,county, at the primary nominating election to be held on....., theday of, 19..... Under this caption shall be printed, in bold-faced type, the words, "Mark a cross [X] between the number and the name of each candidate voted for." Below this shall be printed in the manner aforesaid (1) the candidates for nomination for senator and representative in congress and for state offices; (2) for district and county offices; (3) for precinct offices; (4) for other offices. The ballot shall be printed so as to give each elector a clear opportunity to designate his choice for candidates for nomination by making with indelible pencil a cross [X] to the left of the name of the candidate he wishes to vote for nomination to each office; and on the ballot may be printed such words as will aid the elector to do this—"vote for one," "vote for three," and the like. The ballot shall be of sufficient length and width to permit this to be properly done. The official ballot for each party shall be arranged and printed in substantially the following form, but it may be printed in two or more columns, and shall be ruled, lined and spaced in the manner provided by section 3394, for the official ballots at the regular general election:

STUB
TO BE TORN OFF BY THE CHAIRMAN.

STUB
TO BE TORN OFF BY THE FIRST CLERK.

OFFICIAL PRIMARY NOMINATING ELECTION BALLOT

FOR THE

PARTY, FOR SOUTH PORTLAND PRECINCT,

MULTNOMAH COUNTY,

AT THE

PRIMARY NOMINATING ELECTION TO BE HELD ON
THE DAY OF APRIL, 19.....

Make a Cross [X] between the number and the name of each candidate
voted for.

Republican Candidates for Nomination for Senator and Representative
in Congress, and for State Officers.

<i>For United States Senator in Congress</i>	<i>Vote for ONE</i>
12 Thurlow B. Merton of Multnomah County.	
13 Walter B. Wilter of Umatilla County.	
<i>For Representative in Congress</i>	<i>Vote for ONE</i>
14 Joseph Jennings of Wasco County.	
15 Jonathan Samms of Gilliam County.	
<i>For Governor</i>	<i>Vote for ONE</i>
16 Samuel Johnson of Marion County, favors franchise tax corporations.	
17 John Samson of Malheur County.	
<i>For Secretary of State</i>	<i>Vote for ONE</i>
18 W. B. Curran of Clatsop County.	
19 George Wilson of Baker County.	
<i>For State Treasurer</i>	<i>Vote for ONE</i>
20 C. H. Chilton of Grant County.	
21 John P. Walker of Columbia County.	
<i>For Supreme Judge</i>	<i>Vote for ONE</i>
22 Arthur C. Simms of Crook County.	
23 Orville Wilkins of Wallowa County.	
<i>For Superintendent of Public Instruction</i>	<i>Vote for ONE</i>
24 George M. Josephson of Wasco County.	
25 Henry J. Summer of Wheeler County.	
<i>For State Printer</i>	<i>Vote for ONE</i>
26 Ord C. Colunder of Douglas County.	
27 Samuel P. Kollen of Washington County.	

Republican Candidates for Nomination for District and County Offices.

<i>For Prosecuting Attorney</i>		<i>Vote for ONE</i>
28	William S. Stokes of Multnomah County.	
29	Charles P. Swing of Multnomah County.	
<i>For Judge of Circuit Court</i>		<i>Vote for ONE</i>
30	Amos Strong of Multnomah County.	
31	Christian Thompson of Multnomah County.	
<i>For Joint Senator Clackamas and Multnomah Counties</i>		<i>Vote for ONE</i>
32	George J. McCall of Clackamas County.	
33	William T. Merry of Multnomah County.	
<i>For Joint Representatives Multnomah and Clackamas Counties</i>		<i>Vote for ONE</i>
34	Francis A. Terrell of Multnomah County.	
35	Frank Wilson of Multnomah County.	
<i>For State Senator from Multnomah County</i>		<i>Vote for ONE</i>
36	Albert Wheatly.	
37	Samuel Wilton.	
<i>For Representatives from Multnomah County</i>		<i>Vote for TWELVE</i>
38	Wilbur Able, promises to vote for people's choice for United States Senator.	
39	William A. Adams.	
40	Orton Anderson.	
41	Frank Alger, will not promise to vote for people's choice for United States Senator.	
42	Elton Ankeny.	
43	Samson Ashley, favors state monopoly sale of liquors on South Carolina dispensary plan.	
44	Wilson Atterbury.	
45	Angus Balley.	
46	Washington Baird.	
47	Fred K. Ball.	
48	James Barrow.	
49	Chris Barton.	
50	John P. Bascom.	
51	Franklin B. Bell.	
<i>For County Judge of Multnomah County</i>		<i>Vote for ONE</i>
52	Simon A. Bennett.	
53	Edward S. Bonahan.	
<i>For Sheriff of Multnomah County</i>		<i>Vote for ONE</i>
54	Peter Booth.	
55	Ben F. Boutwell.	
<i>For Clerk of Circuit Court of Multnomah County</i>		<i>Vote for ONE</i>
56	Orrin Buckner.	
57	Warren Burleigh.	

<i>For Clerk of County Court of Multnomah County</i>		<i>Vote for ONE</i>
58	Henry Butcher.	
59	Phil Byrne.	
<i>For Recorder of Conveyances for Multnomah County</i>		<i>Vote for ONE</i>
60	Francis P. Calhoun.	
61	Hiram Cannot.	
<i>For County Treasurer of Multnomah County</i>		<i>Vote for ONE</i>
62	William E. Carroll.	
63	Frank C. Carter.	
<i>For Assessor of Multnomah County</i>		<i>Vote for ONE</i>
64	Oliver O. Chadwick.	
65	Walter S. Simpson.	
<i>For School Superintendent of Multnomah County</i>		<i>Vote for ONE</i>
66	Julius C. Coburn.	
67	Darron C. Comstock.	
<i>For County Surveyor of Multnomah County.</i>		<i>Vote for ONE</i>
68	Jerry O. Cook.	
69	Lucius P. Copeman.	
<i>For Coroner of Multnomah County</i>		<i>Vote for ONE</i>
70	Ellerton C. Corfman.	
71	Amos E. Cox.	
<i>For County Commissioner of Multnomah County</i>		<i>Vote for ONE</i>
72	Silas Crafter.	
73	John Q. Croker.	

Republican Candidates for Nomination to City and Precinct Offices.

<i>For Mayor of Portland</i>		<i>Vote for ONE</i>
74	John Daley of Tenth Ward.	
75	Roderick Davis of Sixth Ward	
<i>For Municipal Judge of Portland</i>		<i>Vote for ONE</i>
76	Abraham Kinto of Fourth Ward.	
77	Harrison Knight of Third Ward.	
<i>For City Attorney of Portland</i>		<i>Vote for ONE</i>
78	Edward H. Kohler of First Ward.	
79	Sidney Phillips of Eighth Ward.	
<i>For City Auditor of Portland</i>		<i>Vote for ONE</i>
80	Anton Kuhn of Fifth Ward.	
81	Charles A. Layne of Eleventh Ward.	
<i>For City Treasurer of Portland</i>		<i>Vote for ONE</i>
82	Wade O. Latlmer of Ninth Ward.	
83	Wilson F. Learned of Seventh Ward.	

<i>For City Engineer of Portland</i>		<i>Vote for ONE</i>
84	Worden Q. Lockwood of Fourth Ward.	
85	Otto R. Shields of First Ward.	
<i>For Councilman, Seventh Ward</i>		<i>Vote for ONE</i>
86	Alderson Mason of Seventh Ward.	
87	James Mayer of Seventh Ward.	
<i>For Justice of the Peace</i>		<i>Vote for ONE</i>
88	Albert O. Marsh of Multnomah County.	
89	Wills McLean of Multnomah County.	
<i>For Constable</i>		<i>Vote for ONE</i>
90	Horace Mercher of Multnomah County.	
91	Frederick H. Miller of Multnomah County.	
<i>Republican Candidates, for election for County Central Committeeman from South Portland Precinct</i>		<i>Vote for ONE</i>
92	Franklin P. Smith of Multnomah County.	
93	Wash C. Squires of Multnomah County.	
94	Marion O. Swingerton of Multnomah County.	

Section 1. In every case when five or more persons are candidates for nomination for the same office except a precinct office at a direct primary election, the number of ballot forms required shall be divided into sets equal to the greatest number of candidates for any one office on said ballot and the names of said candidates with their respective numbers for each office where the number of said candidates is equal to five or more shall, beginning with a form arranged in alphabetical order as provided in Section 3371 of Lord's Oregon Laws, be rotated by removing one name with its number from the top of the list for each office and by placing said name with its number at the bottom of said list for each successive set of ballot forms. As nearly as possible an equal number of ballots of each set, which shall have been previously "gathered" shall be delivered to each election precinct. The sample ballots now required by law to be printed previous to the day of election, shall be printed from the first or official form of the ballot only.

Section 2. If any person employed or authorized to print official ballots, or any person employed in printing the same, shall give or deliver, or knowingly permit to be taken any of said ballots by any person other than the official under whose direction such ballots are being printed, or if any person shall knowingly print, or cause, or permit to be printed any ballot in any other form than the one prescribed herein, or with any other names thereon, or with the name or names spelled, or the names of the candidates arranged in any other way than that authorized by this act and directed by said official, or if the official charged by law with the duty of distributing

said ballots, or any persons acting for him, shall knowingly distribute or cause to be distributed any of said ballots in any other manner than as herein required, he shall be guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the county jail for a term of not less than three months nor more than one year, or by a fine of not less than \$250, nor more than \$1,000, or both, at the discretion of the court. [Laws 1911, chapter 252.]

§ 3372. Official Ballots and Sample Ballots to Be Furnished.

There shall be provided and furnished at each primary nominating election for each election precinct for each voter duly registered therein as a member of a party subject to the provisions of this law, when the registration books are first closed as required by section 3452, at least two official ballots intended to be voted, and a like number of the colored sample ballots. The sample ballots shall be duplicate impressions of the official ballots to be voted, but in no case shall they be white or colored any shade of blue or yellow, nor shall the sample ballots have perforated stubs, nor shall they have the same margin, either at the top or sides or bottom, as the official voting ballots have, or nearer thereto than twelve points. These colored sample ballots shall be furnished as soon as printed, at any time before the primary nominating election by the respective county or city clerks, in reasonable quantities to all electors applying for the same; and on the day of said election, under the direction and control of the judges at each polling place, said colored sample ballots shall be given in proper quantities to all electors applying for them.

§ 3373. Vacancies and Cancellations—Ballot Boxes and Supplies.

The provisions of Sections 3396 to 3402, inclusive, shall apply to and are hereby made applicable to primary nominating elections under this law, as far as the same are not in conflict with this law.

§ 3374. Method of Voting.

Any person desiring to vote shall give his name and his residence and political party to the first of the election clerks, which clerk shall not be of the same political party as the chairman, who shall thereupon announce the name and residence and party distinctly, and write in the poll book kept by him the name and residence and party of the elector and the word "State," or "State and District," if he is qualified to vote for such officers only, and also write the name and residence of

the elector, and, if proper, the word "State," or "State and District," with pen and ink upon the back of one of the stubs upon one of the voter's political party official ballots provided under this act; the clerk shall then with pen and ink write the number of the elector upon the back of each of the two stubs upon said ballot; he shall so number the stubs upon each ballot to correspond with the numbers of the electors in the poll book, beginning with number 1 for the first elector applying to vote, number 2 for the second elector, and so on, and he shall then tear off the stub upon which he wrote the elector's name. The clerk shall then deliver the ballot, with the remaining stub still attached thereto, to the elector. The said clerk shall give the elector one of said voter's political party official ballots and one only. The clerk shall then, at once, and before issuing another ballot, deliver the stub containing the name and number of the elector to the judges, who shall pass it to the second clerk, who shall immediately enter the number in the poll book, and the name and residence and party of the elector opposite thereto, and shall retain the stub in his possession.

§ 3375. Provisions of Election Law Applicable.

The provisions of Sections 3404, 3405, 3406, 3407, 3408, 3409, 3410, 3411, 3412, 3413, 3414, 3415, 3416, and 3424, so far as the same are not in conflict with and are not modified by this law, shall apply to and are hereby made applicable to primary nominating elections under the provisions of this law; *provided*, that the words "white ballot," in every section adopted from said codes and statutes, shall, when applied to said primary nominating election, be understood to mean, as to each political party nominating its candidates at such election, the official voting ballot of the respective political parties for that primary nominating election, whether such ballot be white, blue, or yellow, as provided in Section 3370; *and provided further*, that the Secretary of State, in furnishing the supplies for the primary nominating election, as provided by Section 3413, shall also furnish a sufficient number of brass clips, or other appropriate fastenings, to fasten together the ballots of each political party in each precinct, as required by Section 3355.

§ 3376. Candidates for Senators to Be Voted For.

At all general primary nominating elections next preceding the election of a Senator in Congress by the Legislature of Oregon there shall be placed upon the official primary nominating election ballots, by each of the county clerks and

clerks of the county court, the names of all candidates for the office of Senator in Congress, for whose nominations petitions have been duly made and filed under the provisions of this law, the votes for which candidates shall be counted and certified to by the election judges and clerks in the same manner as the votes for other candidates; and records of the vote for such candidates shall be made out and sworn to by the board of canvassers of each county of the State and returned to the Secretary of State at the same time and in like manner as they shall transmit other records and returns required by this law.

§ 3377. Canvass and Abstract of Votes.

On the third day after the close of any primary nominating election, or sooner if all the returns be received, the county clerk, taking to his assistance two justices of the peace of the county, of different political parties, if practicable, shall proceed to open said returns and make abstracts of the votes. Such abstracts of votes for nominations for Governor and for Senator in Congress shall be on one separate sheet for each political party and shall be immediately transmitted to the Secretary of State in like manner as other election returns are transmitted to him. Such abstract of votes for nomination of each party for Secretary of State, State Printer, State Treasurer, Justices of the Supreme Court, members of Congress, judges of the circuit court, district attorneys, and members of the Legislative Assembly, who are to be nominated from a district composed of more than one county shall be on one sheet separately for each political party, and shall be forthwith transmitted to the Secretary of State as required by Section 3378. The abstract of votes for county and precinct offices shall be on another sheet separately for each political party; and it shall be the duty of said clerk immediately to certify the nomination for each party and enter upon his register of nominations the name of each of the persons having the highest number of votes for nomination as candidates for members of the Legislative Assembly, county, and precinct offices, respectively, and to notify by mail each person who is so nominated; *provided*, that when a tie shall exist between two or more persons for the same nomination by reason of said two or more persons having an equal and the highest number of votes for nomination by one party to one and the same office, the clerk whose duty it is to compare the polls shall give notice to the several persons so having the highest and equal number of votes to attend at the office of the county clerk, at a time to be appointed by said clerk, who

shall then and there proceed publicly to decide by lot which of the persons so having an equal number of votes shall be declared nominated by his party; and said clerk shall forthwith enter upon his register of nominations the name of the person thus duly nominated in like manner as though he had received the highest number of the votes of his party for that nomination. And it shall be the duty of the county clerk of every county, on the receipt of the returns of any general primary nominating election, to make out his certificate stating therein the compensation to which the judges and clerks of election may be entitled for their services, and lay the same before the county court at its next term, and the said court shall order the compensation aforesaid to be paid out of the county treasury. In all primary nominating elections in this State, under the provisions of this law, the person having the highest number of votes for nomination to any office shall be deemed to have been nominated by his political party for that office.

§ 3378. Abstracts Sent to Secretary of State; Canvass by State Officers.

The county clerk, immediately after making the abstracts of votes given in his county, shall make a copy of each of said abstracts and transmit it by mail to the Secretary of State at the seat of government; and it shall be the duty of the Secretary of State, in the presence of the Governor and the State Treasurer, to proceed within fifteen days after the primary nominating election, and sooner if all returns be received, to canvass the votes given for nomination for Governor, Senator in Congress, Secretary of State, State Treasurer, State Printer, Justices of the Supreme Court, members of Congress, judges of the circuit court, district attorneys, joint senators and joint representatives, and all other officers to be voted for by the people of the State, or of any district comprising more than one county; and the Governor shall grant a certificate of nomination to the person having the highest number of votes for each office, and shall issue a proclamation declaring the nomination of each person by his party. In case there shall be no choice for nomination for any office by reason of any two or more persons having an equal and the highest number of votes of his party for nomination for either of said offices, the Secretary of State shall immediately give notice to the several persons so having the highest and equal number of votes to attend at the office, either in person or by attorney, of the Secretary of State, at a time to be appointed by said Secretary, who shall then and there proceed to publicly decide by lot which of the persons so having an equal number

of votes shall be declared duly nominated by his party; and the Governor shall issue his proclamation declaring the nomination of such person or persons as above provided.

§ 3379. Correction of Errors or Wrongful Acts by Court.

Whenever it shall appear by affidavit to the county court or judge thereof, or to the circuit court or judge thereof, that an error or omission has occurred or is about to occur in the printing of the name of any candidate or other matter on the official primary nominating election ballots, or that any error has been or is about to be committed in the printing of the ballots, or that the name of any person or any other matter has been or is about to be wrongfully placed upon such ballots, or that any wrongful act has been performed or is about to be performed by any judge or clerk of the primary election, county clerk, canvassing board or member thereof, or by any person charged with a duty under this act, or that any neglect of duty by any of the persons aforesaid has occurred or is about to occur, such court or judge shall by order require the officer or person or persons charged with the error, wrongful act or neglect, to forthwith correct the error, desist from the wrongful act, or perform the duty and do as the court shall order, or show cause forthwith why such error should not be corrected, wrongful act desisted from, or such duty or order performed. Failure to obey the order of any such court or judge shall be contempt. Any person in interest or aggrieved by the refusal or failure of any person to perform any duty or act required by this law shall without derogation to any other right or remedy be entitled to pray for a mandamus in the circuit court of appropriate jurisdiction, and any proceeding under the provisions of this law shall be immediately heard and decided.

§ 3380. Messenger to Be Sent for Delayed Returns.

If the returns and abstracts of the primary nominating election of any county in the State shall not be received at the office of the Secretary of State within twelve days after said election, the Secretary of State shall forthwith send a messenger to the county court of such county, whose duty it shall be to furnish said messenger with a copy of said returns, and the said messenger shall be paid out of the county treasury of such county the sum of twenty cents for each mile he shall necessarily travel in going to and returning from said county. The county clerk, whenever it shall be necessary for him to do so in order to send said returns and abstracts within the time above limited, may send the same by telegraph, the message to be repeated, and the county shall pay the expense of such telegram.

§ 3381. Penalty for Wrongful Acts by Officers.

If any judge or clerk of a primary nominating election, or other officers or persons on whom any duty is enjoined by this law, shall be guilty of any willful neglect of such duty, or of any corrupt conduct in the discharge of the same, such judge, clerk, officer or other person, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than one year nor more than five years, or by imprisonment in the county jail not less than three months nor more than one year, or by fine not less than \$100 nor more than \$500.

§ 3382. Notice of Contest.

Any person wishing to contest the nomination of any other person to any State, county, district, township, precinct, or municipal office may give notice in writing to the person whose nomination he intends to contest that his nomination will be contested, stating the cause of such contest briefly, within five days from the time said person shall claim to have been nominated.

§ 3383. How Served and Hearing Thereon.

Said notice shall be served in the same manner as a summons issued out of the circuit court three days before any hearing upon such contest as herein provided shall take place, and shall state the time and place that such hearing shall be had. Upon the return of said notice served to the clerk of the county he shall thereupon enter the same upon his issue docket as an appeal case, and the same shall be heard forthwith by the circuit court; *provided*, that if the case can not be determined by the circuit court in term time, within fifteen days after the termination of such primary nominating election, the judge of the circuit court may hear and determine the same at chambers forthwith, and shall make all necessary orders for the trial of the case and carrying his judgment into effect; *provided*, that the circuit court provision of this section shall not apply to township or precinct officers. In case of contest between any persons claiming to be nominated to any township or precinct office, said notice shall be served in the manner aforesaid, and shall be returned to the county court of the county.

§ 3384. Further of Contest.

The provisions of Sections 3428 and 3430, so far as the same do not conflict with this law, shall apply to and are hereby made applicable to primary nominating elections held under the provisions of this law.

§ 3385. Procedure Thereon.

Each party to such contest shall be entitled to subpoenas, and subpoenas *duces tecum*, as in ordinary cases of law; and the court shall hear and determine the same without the intervention of a jury, in such manner as shall carry into effect the expressed will of a majority of the legal voters of the political party, as indicated by their votes for such nominations, not regarding technicalities or errors in spelling the name of any candidate for such nomination; and the county clerk shall issue a certificate to the person declared to be duly nominated by said court, which shall be conclusive evidence of the right of said person to hold said nomination; *provided*, that the judgment or decision of the circuit court in term time, or a decision of the judge thereof in vacation, as the case may be, may be removed to the supreme court in such manner as may be provided for removing such causes from the circuit court to the Supreme Court; *and provided further*, that appeals may be taken from the decision of the county court to the circuit court, in all of which cases the party removing any such judgment or decision by appeal, shall file in the proper court a bond to the opposite party, in such sum and with such sureties as shall be prescribed by a judge thereof, conditioned for the payment of all costs that may be properly taxed against them; *and provided further*, that on any such appeal it shall be advanced on the docket and heard and decided on appeal soon enough to place the name of the successful contestant on the official white ballot as such nominee at the ensuing election, and said courts shall make the necessary rules to accomplish this result.

§ 3386. Statement of Party on Registration.

In addition to the facts to be stated by the elector and registered by the provisions of Sections 3448, 3449, and 3453, every elector shall be asked by the clerk or other registering officer of what political party or voluntary political organization he is a member, and it shall be the elector's duty to answer said question if he wishes to take part in making the nominations of any political party, and his answer shall then and there be entered in the register in the column headed "Remarks," and such answer shall also be a part of the affidavit entitled "Oregon Registration Blank A," when such blank is used in the registration. If the elector shall answer that he is not a member of any political party or voluntary political organization, the clerk or registering officer shall enter the fact in said column headed "Remarks," and in said affidavit when the same is used, and

if he shall decline to answer, the officer shall enter such refusal. In entering the answer in the register as to the political party or affiliation of the elector, it shall be sufficient to designate the political party by the first syllable of the first word of its name, as "rep." for republican, "dem." for democrat, "soc." for socialist, "pro." for prohibition, "ind." for independent, and "non." for nonpartisan or no party. No elector shall be qualified to vote, nor permitted to vote at any such primary nominating election required by this law, and it shall be unlawful for him to offer to do so, unless he shall be registered, as above required, as a member of one of the political parties choosing and nominating its candidates for public office under the provisions of this law at such primary nominating election. Every qualified elector offering to vote at any such primary nominating election shall be given a ballot of the political party with which he is registered as a member, as above required, and he shall not be given a ballot of any other political party at that primary nominating election; *provided*, that nothing in this law shall be construed to deprive any elector of the right to register and vote at any primary nominating election required by this law, on his complying with the special provisions of this law, in the same manner that he is permitted by the general laws to register and vote at a general election.

§ 3387. Provisions of Election Law Applicable.

The provisions of Sections 3450, 3451, 3453, 3454, 3455, 3457, 3458, 3459, and 3461, shall apply to and are hereby made applicable to primary nominating elections held under the provisions of this law, so far as they are not in conflict herewith.

§ 3388. Same.

The provisions of Sections 3462, 3463, 3464, 3465, 3466 and 3467 shall apply to and are hereby made applicable to primary nominating elections held under this law, so far as they are not in conflict herewith.

§ 3389. Election and Duties of Party Committees.

There shall be elected by each political party subject to this law at said primary nominating election a committeeman for each election precinct, who shall be a resident of such precinct. The committeeman thus elected shall be the representative of his political party in and for such precinct in all ward or subdivision committees that may be formed. The committeeman elected in each precinct in each

county shall constitute the county central committee of each said respective political parties. Those committeemen who reside within the limits of any incorporated city or town shall constitute *ex officio* the city central committee of each of said respective political parties, and shall have the same powers and jurisdiction as to the business of their several parties in such city matters that the county committee has in county matters, save only the power to fill vacancies in said committee, which power is vested in the county central committee. Each committeeman shall hold such position for the term of two years from the date of the first meeting of said committee immediately following their election. In case of a vacancy happening on account of death, resignation, removal from the precinct, or otherwise, the remaining members of said county committee may select a committeeman to fill the vacancy and he shall be a resident of the precinct in which the vacancy occurred. Said county and city central committees shall have the power to make rules and regulations for the government of their respective political parties in each county and city, not inconsistent with any of the provisions of this law, and to elect the county members of the State central committee and of the congressional committee, and said committees shall have the same power to fill all vacancies and make rules in their jurisdiction that the county committee has to fill county vacancies and make rules. Said county and city central committees shall have the power to make nominations to fill vacancies occurring among the candidates of their respective parties nominated for city or county offices by the primary nominating election, where such vacancy is caused by death or removal from the electoral district, but not otherwise. Said committees shall meet and organize by electing a chairman and secretary within five days after the candidates of their respective political parties shall have been nominated. They may select managing or executive committees and authorize such subcommittees to exercise any and all powers conferred upon the county, city, state, and congressional central committees respectively by this law.

§ 3390. Penalty for Wrongful Acts by Candidates.

If any candidate for nomination shall be guilty of any wrongful or unlawful act or acts at a primary nominating election which would be sufficient, if such wrongful or unlawful act or acts had been done by such candidate at the regular general election, to cause his removal from office, he shall, upon conviction thereof, be removed from office in like manner as though such wrongful or unlawful act or acts had been

committed by him at a regular general election, notwithstanding that he may have been regularly elected and shall not have been guilty of any wrongful or unlawful act at the election at which he shall have been elected to his office.

§ 3391. Provisions of Election Law Applicable.

The provisions of Sections 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, and 2130 shall apply to and are hereby made applicable to primary nominating elections held under the provisions of this law.

§ 3392. Ballots Printed and Furnished by County Clerk.

The county clerk of each county shall cause to be printed, according to law all the ballots required under the provisions of this act, and shall furnish the same in the manner herein-after provided for the use of all electors in the county. Ballots other than those furnished by the respective county clerks according to the provisions of this act shall not be used or circulated or cast or counted in any election provided for in this act.

§ 3393. Directions as to Ballots and Sample Ballots.

All ballots designed to be voted shall be printed in black ink upon a good quality of white paper, and shall be alike and of the same size in the same county at the same election. Duplicate impressions of the same shall be printed upon cheaper colored paper, so as to be readily distinguished from the white ballots. These colored ballots shall be used solely as sample ballots for the information and convenience of the voters, and shall not be voted, and if voted shall not be counted.

§ 3394. Official Ballot; Arrangement of Candidates' Names; Form Of.

The ballot shall be styled "Official Ballot"; shall state the number or name of the precinct and county they are intended for, and the date when the election is to be held; shall contain the names of all the candidates for offices to be filled at that election whose nominations have been duly made and accepted as herein provided, and who have not died or withdrawn, and shall contain no other names of persons except that in the case of electors of president and vice president of the United States, the names of the candidates for president and vice president may be added to the party or political designation; the name of each person nominated shall be printed upon the ballot in but one place, without regard to how many times he may have been nominated, but there shall be added opposite thereto the party or political designation, expressed in not more than three words for any one party, as specified in each of the certificates of nomination nominating him for

the office, and which he has accepted. The names of the candidates for each office shall be arranged under the designation of the office, in alphabetical order, according to surnames, except that the names of candidates for the offices of electors of president and vice president and for the senate and house of representatives shall be arranged in groups, as presented in the several certificates of nomination. There shall be left at the end of the list of candidates for each different office blank spaces, in which the elector may write the name of any person not printed on the ballot for whom he desires to vote as a candidate for such office. On the left margin of the ballots the name of the uppermost candidate as printed shall be numbered twelve, the next candidate thirteen, the next fourteen, and so on consecutively to the end of the ballot. The blank lines shall not be numbered. Whenever the approval of a constitutional amendment or other question is submitted to the vote of the people, such questions shall be printed upon the ballot after the list of candidates, and each answer shall be numbered on the left margin, as in the case of names of candidates. Each ballot shall have along the top thereof a stub one and one-half inches wide, perforated along the lower edge thereof; on the left half of the stub shall be printed the words, "Stub to be torn off by the chairman," and on the right half, "Stub to be torn off by the first clerk." The colored or sample ballots need not be perforated. Immediately below the perforated line shall be printed, in capitals, these words, "Official ballot for _____ Precinct, _____ County, June _____, 19—." Under this caption shall be printed, in bold-faced type, the words, "Mark between the number and name of each candidate or answer voted for." Below this shall be printed in the manner aforesaid—

1. The candidates for State offices;
2. For district and county offices;
3. For precinct offices;
4. For other offices or constitutional amendments or questions submitted to a vote of the people.

The ballots shall be printed so as to give each elector a clear opportunity to designate his choice of candidates and his answer to the questions submitted by making a mark to the left of the name of the candidate he wishes to vote for, for each office, or to the left of the answer he wishes to make to each question submitted; and on the ballot may be printed such words as will aid the elector to do this, as "Vote for one," "Vote for three," "Yes," "No," and the like. The ballot shall be of sufficient length and width to permit this to be properly done. The white ballot shall be arranged and printed in substantially the following form:

TO BE TORN OFF BY THE FIRST CLERK.
STUB

TO BE TORN OFF BY THE CHAIRMAN
STUB

OFFICIAL BALLOT

— FOR —

SOUTH PORTLAND PRECINCT, MULTNOMAH COUNTY, JUNE 2, 1890

Mark [X] between the number and name of each candidate or answer voted for.

STATE

<i>For Congress</i>	<i>Vote for ONE</i>	<i>For State Treasurer</i>	<i>Vote for ONE</i>
12 J. A. Bruce of Benton County.....	Union	20 Phil Metschan of Grant County.....	Republican
13 Binger Hermann of Douglas County.....	Republican	21 E. F. Walker of Jackson County.....	Union
14 R. A. Miller of Jackson County.....	Democratic	22 Geo. W. Webb of Umatilla County.....	Democratic
<i>For Governor</i>	<i>Vote for ONE</i>	<i>For Supreme Judge</i>	<i>Vote for ONE</i>
15 W. P. Lord of Marion County.....	Republican	23 Robert S. Bean of Lane County.....	Republican
16 Wm. Galloway of Yamhill County.....	Democratic	24 B. F. Bonham of Marlon County.....	Democratic

<i>For Secretary of State</i>	<i>Vote for ONE</i>	<i>For Superintendent of Public Instruction</i>	<i>Vote for ONE</i>
17 Geo. W. McBride of Columbia County.....	Republican	25 T. C. Jory of Marion County.....	Union
18 Nathan Pierce of Umatilla County.....	Union	26 A. Leroy of Linn County.....	Democratic
19 Wm. M. Townsend of Lake County.....	Democratic	27 E. B. McElroy of Benton County.....	Republican
		<i>For State Printer</i>	<i>Vote for ONE</i>
		28 Frank C. Baker of Multnomah County.....	Republican
		29 John O'Brien of Multnomah County.....	Union

COUNTY.

<i>For Prosecuting Attorney</i>	<i>Vote for ONE</i>	<i>For Clerk of Circuit Court</i>	<i>Vote for ONE</i>
30 D. R. Murphy of Multnomah County.....	Democratic	56 John R. Duff, of Multnomah County.....	Republican
31 T. A. Stevens of Multnomah County.....	Republican	57 J. A. Newell, of Multnomah County.....	Democratic
		<i>For Clerk of County Court</i>	<i>Vote for ONE</i>
32 John Catlin of Multnomah County.....	Democratic-Union	58 C. E. Oliver of Multnomah County.....	Democratic
33 P. L. Welter of Multnomah County.....	Republican	59 T. C. Powell of Multnomah County.....	Republican-Union

COUNTY—Continued.

<i>For Representatives</i>		<i>For Recorder of Conveyances</i>	
<i>Vote for NINE</i>	<i>Vote for ONE</i>	<i>Vote for NINE</i>	<i>Vote for ONE</i>
34 C. Bomberger of Multnomah County.....	Republican	60 W. L. Dudley, of Multnomah County.....	Republican
35 O. F. Botkin of Multnomah County.....	Democratic	61 Henry Gray, of Multnomah County.....	Democratic
36 C. W. Durkee of Multnomah County.....	Republican	<i>For Treasurer</i>	
37 J. C. Flanders of Multnomah County.....	Democratic	62 N. S. Dygert, of Multnomah County.....	Union
38 John H. Hall of Multnomah County.....	Republican	63 C. A. Freeman, of Multnomah County.....	Democratic
39 E. J. Haight of Multnomah County.....	Democratic	64 S. B. Wiley, of Multnomah County.....	Republican
40 J. W. Holman of Multnomah County.....	Republican	<i>For Assessor</i>	
41 J. J. Kelley of Multnomah County.....	Democratic	65 W. L. Brooks, of Multnomah County.....	Democratic
42 Silas G. Kelley of Multnomah County.....	Republican	66 Geo. C. Sears, of Multnomah County.....	Republican
43 A. A. Miller of Multnomah County.....	Democratic	<i>For School Superintendent</i>	
44 P. F. Morey of Multnomah County.....	Republican	67 W. K. Smith, of Multnomah County.....	Democratic
45 Wm. T. Muir, of Multnomah County.....	Democratic	68 W. A. Wetzel, of Multnomah County.....	Republican
46 F. Opitz of Multnomah County.....	Republican	<i>For Surveyor</i>	
47 George L. Story of Multnomah County.....	Democratic	69 R. S. Greenleaf, of Multnomah County.....	Union
48 J. T. Stewart of Multnomah County.....	Republican	70 T. M. Hurlburt, of Multnomah County.....	Republican
49 Zera Snow of Multnomah County.....	Democratic		
50 W. E. Thomas of Multnomah County.....	Republican		
51 F. B. Welch of Multnomah County.....	Democratic		

<i>For Coroner</i>		<i>Vote for ONE</i>
71	Henry Hicks, of Multnomah County.....	Democratic
72	Geo. H. River, of Multnomah County.....	Republican
73	P. J. A. Semler, of Multnomah County.....	Union
<i>For County Commissioner</i>		<i>Vote for ONE</i>
74	Cyrus Buckman, of Multnomah County.....	Union
75	Elijah Corbett, of Multnomah County.....	Democratic
76	H. S. Stone, of Multnomah County.....	Republican
<i>For County Judge</i>		<i>Vote for ONE</i>
52	J. V. Beach of Multnomah County.....	Democratic
53	J. C. Moreland of Multnomah County.....	Republican
<i>For Sheriff</i>		<i>Vote for ONE</i>
54	John Kiernan of Multnomah County.....	Democratic
55	John Minto of Multnomah County.....	Republican
SOUTH PORTLAND PRECINCT		
<i>For Justice of the Peace</i>		<i>Vote for ONE</i>
77	Amos Seaman of Multnomah County.....	Union
78	W. H. Wood of Multnomah County.....	Republican
<i>For Constable</i>		<i>Vote for ONE</i>
79	Sam Simmons, of Multnomah County.....	Union
80	Al Thomas, of Multnomah County.....	Republican

NOTE.—In the absence of an affirmative declaration in the statute that a ballot containing the name of a candidate in more than one place is void and shall not be counted, an error of the county clerk in printing the name of a candidate on the "Official Ballot" in two different groups of electors will not deprive the voter who casts such a ballot of the elective franchise, or the candidate for whom it is cast of the benefit of such vote: *Miller v. Pennoyer*, 23 Or. 374 (L. 1891, p. 23, § 49; H. C. P. 1191; L. 1896, p. 68, § 1).

§ 3395. Margin of White Ballots—Difference Between, and Sample Ballots.

There shall be provided and furnished for each election precinct not less than two white ballots for each vote cast in such election precinct at the general election next preceding, and a like number of the colored or sample ballots. The colored or sample ballots shall be duplicate impressions of the white ballots, but without perforated stubs, but in printing the white ballots the printer shall, every one hundred sheets, shift either the paper guides or the form so there will be a difference of not less than twelve points nor more than seventy-two points, or about one inch, in the margin of the white ballots between the different hundreds of sheets; and none of the white ballots shall have the same margin, either at the top or sides or bottom, as the colored ballots have, or nearer thereto than twelve points. These colored or sample ballots shall be furnished as soon as printed, at any time before the election, by the respective county clerks, in reasonable quantities, to all electors applying for the same; and on the day of the election, under the direction and control of the judges at each polling place, the sample ballots shall be given in reasonable and proper quantities to all electors applying for them.

§ 3396. Vacancy After Printing Ballots.

When any vacancy occurs by death or withdrawal aforesaid, and after the printing of the ballots, any person or persons are nominated, as aforesaid, to fill such vacancy, the county clerk shall, a sufficient time before the election, cause to be prepared and printed, according to law, upon cards of instruction, arranged in the manner herein required for the ballots, the names and information concerning such candidates so nominated to fill such vacancies caused by death or withdrawal; one of such cards, certified by the county clerk, shall be posted and kept posted in plain view in each compartment or place provided for preparing the ballots in each polling place, and the same shall also be posted in the county clerk's office from the time the same is prepared until after the election.

§ 3397. Cancellation of Names on Printed Ballots.

It shall be the duty of the county clerk of each county to cause the name of each nominee who has thus withdrawn or died to be canceled upon the white ballots, and also the colored ballots, before they are given out to the electors. If said ballots have been already forwarded to the several elec-

tion precincts, the county clerks shall, if there is time, certify the matter to the judges of the several election precincts, and then it shall be the duty of the judges of such election precincts, in accordance with such certification, to see that the name of each candidate who has thus withdrawn or died is canceled upon the white and colored ballots before they are given out to the electors, and also that such cards of instruction, or lists of the candidates nominated to fill such vacancy, are duly posted in each compartment or place provided for preparing the ballots, before the ballots are given out to the electors.

§ 3398. Ballot Boxes, How Provided and Used.

It shall be the duty of the county clerk of each county to provide for each election precinct within such county, one large and one smaller ballot box or pouch, the larger one of which shall be used for the reception of all general ballots deposited, and the smaller one for all ballots cast only for State or district officers. Said larger boxes or pouches shall be marked "General," and the smaller "State and District," respectively. Each of such ballot boxes shall be provided with a lid fastened with hinges, and a good lock and key. The lid shall form the top of the box, and contain an opening or slot five inches long and one-quarter of an inch wide for the reception of ballots. Each of such ballot pouches shall be of strong leather and provided with a good lock and key. In the top of each of such ballot pouches there shall be a slot five inches long and one-quarter of an inch wide for the reception of ballots. All ballots cast by electors entitled to vote for all the officers to be elected at the general election shall be deposited in the box or pouch marked "General"; all ballots cast by electors qualified only to vote for State or State and district officers shall be deposited in the box or pouch marked "State and District."

§ 3399. Election Supplies Furnished.

A sufficient time, and not less than five days before the opening of the polls at any election provided for in this act, the county clerk of each county in which the election is to be held shall deliver to the sheriff of the county for use at each polling place in the county,—

1. The proper number of ballots required for such polling place, prepared and printed as provided in this act.
2. The two ballot boxes required by this act.
3. Two poll books, required by this act.
4. One copy of the election laws of this State, required by this act.

5. A sufficient number of tally sheets, required by this act.

6. A sufficient quantity of pens, ink, blotting pads, indelible copying pencils, needles and string for stringing ballots and stubs, sealing wax, and the like, necessary and convenient for carrying out the provisions of this act.

The white ballots so furnished shall be in a package by themselves, and the package shall be marked on the outside "white ballots," with the number contained in the package, and the package shall be addressed to the judges of the polling place for which it is intended, and the package shall be certified by the clerk and sealed under the seal of the county court of the county. The colored or sample ballots shall likewise be in a separate package by themselves, and the package shall be marked on the outside "colored or sample ballots," with the number contained in the package, certified, addressed, and sealed. The poll books, tally sheets, and copy of election laws shall likewise be done up in a package, addressed and sealed. The other articles shall likewise be addressed. The county clerk shall keep a record of the addresses thereon, the contents of the packages and the number thereof.

§ 3400. Sheriff to Receipt for Supplies.

The county clerk shall prepare a receipt in duplicate for each polling place, enumerating the packages, and stating the time and day and date when the same were delivered by him to the sheriff. The sheriff shall sign both of said receipts, upon receipt of the packages; one of the receipts shall be retained by the clerk, and the other shall be delivered to the sheriff, and upon receipt of the packages, the judge or judges of election to whom they are delivered shall counter-sign said receipt, and the same shall forthwith be returned by the sheriff and filed with said clerk.

OF POLLING PLACES, AND PROVISIONS FOR VOTING.

§ 3401. Polling Places—Arrangement and Provisions For.

The sheriff of each county, under the direction and control of the county court of the county, a sufficient time and not less than one day before every election provided for in this act, shall secure the use of and take possession of the places designated by the county court as the polling places in the several precincts in the county; he shall cause the same to be suitably provided with a guard rail so constructed and placed that only such persons as are inside said rail can approach within six feet of the ballot boxes, or within ten feet of the compartments, shelves, or tables at which electors are to pre-

pare their ballots for voting. He shall furnish in the manner directed by such county court, a sufficient number of such compartments, shelves, or tables in or at which electors may conveniently prepare their ballots for voting, so that in the preparation thereof each elector may be screened from the observation of other persons. The arrangement shall be such that neither of the ballot boxes or the compartments, shelves, or tables, or the electors while preparing their ballots, shall be hidden from view of those just outside the said guard rail, or from the judges; and yet the same shall be far enough removed and so arranged that the elector may conveniently prepare his ballot for voting with absolute secrecy. There shall be provided in each polling place not less than one such compartment, shelf, or table for every forty electors to vote at such polling place, and every polling place shall have at least three of such compartments, shelves or tables.

§ 3402. Judges and Clerks—How Seated—Candidates and Agents May Be Present.

The sheriff shall likewise arrange in or near by each polling place, tables and chairs, with lights and fire, if needed, for the use of the judges and clerks in counting the ballots. The tables and chairs shall be arranged so that the chairman and second judge shall sit on one side of the table, with the ballot boxes on top of the table in front of them. Two of the clerks shall sit on the opposite side of the table facing the chairman and second judge. The third clerk shall sit at the end of the table to the left of the chairman. The third judge shall sit at the other end of the table to the right of the second judge. The sheriff shall arrange a stout guard rail two feet six inches from the outer sides of the said table, and just back of the so arranged chairs of the judges and clerks, so that the guard rail will entirely inclose the board of judges and clerks when seated as aforesaid, and shall serve to keep the bystanders off from the table and yet not prevent them overlooking the judges and clerks to see that they read and tally the ballots correctly. The candidates, and their agents duly appointed as provided in Section 3320, are hereby declared and entitled to be present in the room where the ballot boxes are from the time of opening of the polls until the conclusion of the count, and the returns are certified and sealed. During the time for voting, no person other than the judges and clerks of election, and the electors admitted as herein provided for the purpose of preparing their ballot and voting, shall be admitted or permitted to be within the guard rail provided for in Section 3401. During the time for counting the ballots, no person other than the judges and clerks, and candidates, and their

agents duly appointed as provided for in Section 3320, shall be allowed to be present where the ballot boxes are and where the count is being conducted; and until after the count is fully completed and the returns certified, signed, and sealed, they shall not be admitted or permitted to be inside of the guard rail provided for in this section.

§ 3403. Entry of Voter's Name and Delivery of Ballots.

Any person desiring to vote shall give his name and his residence to the first of the election clerks, which clerk shall not be of the same political party as the chairman, who shall thereupon announce the name and residence distinctly, and write in the poll book kept by him, the name and residence of the elector and the word "State" or "State and district," if he is qualified to vote for such officers only, and also write the name and residence of the elector, and if proper, the word "State" or "State and district" with pen and ink upon the back of one of the stubs upon one of the white ballots provided under this act; the clerk shall then with pen and ink write the number of the elector upon the back of each of the two stubs upon said ballot; he shall so number the stubs upon each ballot to correspond with the number of the elector in the poll book, beginning with number one for the first elector applying to vote, number two for the second elector, and so on, and he shall then tear off the stub upon which he wrote the elector's name. The clerk shall then deliver the ballot, with the remaining stub still attached thereto, to the elector. The said clerk shall give the elector one of said white ballots, and one only. The clerk shall then, at once and before issuing another ballot, deliver the stub containing the name and number of the elector to the judges, who shall pass it to the second clerk, who shall immediately enter the number in the poll book and the name and residence of the elector opposite thereto, and shall retain the stub in his possession.

§ 3404. Ballot, How Prepared by Voter—Delivery to Chairman.

On receipt of his white ballot as aforesaid, the elector shall forthwith, and without leaving the inclosed space, retire alone to one of the compartments or places provided, and shall there prepare his ballot by marking immediately to the left of the name of the candidate of his choice for each office to be filled, or by writing in the name of the person he wishes to vote for; and in case of a constitutional amendment or other question submitted to the vote of the people, by marking immediately to the left the answer he desires to make, which shall be done with an indelible "copying" pencil. Before leaving the compartment or place provided, the elector shall fold his ballot so

that the face thereof shall be concealed, without displaying the ballot or informing any person how he has prepared it; and he shall fold the ballot so that the remaining stub may be readily torn off without exposing the contents of the ballot or marks or crosses thereon. He shall then deliver the ballot to the chairman, and state his name and residence.

§ 3405. Manner of Voting.

Immediately upon receiving the ballot from the elector, the chairman shall repeat the name and residence distinctly, and shall remove the remaining half of the stub from the ballot without exposing the contents of the ballot or the marks or crosses thereon, and pass the stub to the second clerk, who shall compare it with its counterpart and observe that the name written on the counterpart corresponds with the name given by the person voting. If no objection is made to the elector, and the judges are satisfied that the elector is legally qualified, according to the constitution and laws of the State, to vote for all offices to be filled at that election, and that the ballot presented is the identical white ballot received by the elector as aforesaid from the first clerk, the chairman shall immediately put the ballot in the box marked "general," without any one inspecting or seeing the names written or printed or the crosses or marks upon the ballot, and without unfolding the same; and the second clerk shall enter opposite the name and number of the elector in the poll book the word "voted," or letter "V," to indicate the same.

§ 3406. Voting for State or State and District Officers.

If a majority of the judges are satisfied the elector is legally qualified to vote in that precinct only for "State" officers, the chairman shall immediately write with pen and ink upon the back of the ballot the word "State" and sign his (the chairman's) initials thereto; if the elector is qualified to vote for district officers also, the chairman shall write as aforesaid the words "State and district"; in either such case the ballot shall then be deposited in the box marked "State and district," and the clerks shall add to the name of the elector upon the poll books the word "State" or "State and district," as the case may be. The elector shall then immediately pass out by the way indicated by the judges.

There is no presumption that a person was not a resident of a precinct where he voted because he did not vote for precinct officers though his ballot

was indorsed "state, county and district": *Van Winkle v. Crabtree*, 34 Or. 478; 55 Pac. 831.

§ 3407. Spoiling and Reissue of Ballots.

If any elector by accident or mistake spoils his ballot so that he can not conveniently vote the same, he may, on returning said spoiled ballot, receive another in place thereof. If the electors spoils three such ballots, it shall be conclusive evidence that the elector is unable to prepare his ballot without assistance, and he shall request the assistance of two of the judges to prepare one for him. When the elector spoils a ballot and returns the same to the first clerk, the clerk shall write upon the stub the word "spoiled," and sign his initials and remove the stub from the ballot and immediately pass the stub to the judges, and he shall then immediately destroy the spoiled ballot, without any one inspecting its contents, and issue another to the elector as in the first instance, affixing the same name and number to the stubs as the original ballot.

§ 3408. Destruction of Unused Official Ballots.

No person shall take or remove any white ballot from the polling place, and immediately upon the closing of the polls the judges shall cause all the white ballots remaining unused to be immediately destroyed by tearing them in pieces or by burning them.

§ 3409. Preservation of Stubs.

As fast as electors vote, as aforesaid, the second clerk shall string the mated stubs upon a strong thread, and immediately upon the closing of the polls he shall securely knot together the ends of the thread and carefully preserve the same.

§ 3410. But One Person in Booth at One Time.

Not more than one person at one time shall be permitted to occupy any one compartment or place provided for electors to prepare their ballots, and no person shall remain in or occupy such compartment longer than may be reasonably necessary to prepare his ballot. Every elector who does not vote any ballot delivered to him shall, before leaving the polling place, return such ballot to the first clerk, who shall write upon the stub thereon "not voted," and sign his initials and treat the stub and ballot in the same manner as in the case of a spoiled ballot, and both clerks shall note the fact upon the poll books by drawing a line with pen and ink across the name of the person and writing the words "not voted."

§ 3411. Assistance in Marking Ballot.

Any elector who declares to the chairman that he can not read or write, or that by blindness or other physical disability

he is unable to prepare his ballot, shall upon request, receive the assistance of two of the judges in the preparation thereof, and such officers shall ascertain his wishes and prepare his ballot in accordance therewith, and such officers shall thereafter give no information regarding the same. The chairman may, in his discretion, require such declarations of disability to be made by the elector under oath. Whenever an elector receives assistance in this manner, the second clerk shall write upon the poll book opposite the name of the elector the word "assisted," and if sworn, also "sworn." In preparing his ballot any elector shall be at liberty to use or copy any colored or sample ballot, provided by this act, which he may choose to mark or to have had marked in advance, to assist him in marking the official ballot.

§ 3412. Giving Information as to Vote or Interfering With Voter—Penalty.

Any elector who shall use or bring into the polling place or carry away therefrom any unofficial ballot or any paper or thing bearing any resemblance to the official white ballot other than said colored or sample ballot, or anything which will show how he has prepared the white ballot, or any elector who shall, except as herein otherwise provided, allow his white ballot to be seen by any person with an apparent intention of letting it be known how he is about to vote, or mutilate his ballot, or place any distinguishing mark upon his ballot, whereby the same may be identified, or who shall make a false statement as to his inability to mark his ballot, or any person who shall interfere, or attempt to interfere, with any voter when inside said inclosed space, or when marking his ballot, or who shall endeavor to induce any voter to mark his ballot in a particular way, or before or after voting to show or explain how he marks or has marked his ballot, upon conviction shall be punished by a fine of not less than \$50 nor more than \$200.

A ballot on which an elector wrote in the space appropriated to candidates the name of a person for whom he desired to vote, such person not being a listed candidate, should not be rejected as bearing a distinguishing mark, notwithstanding it is possible that the name so written may afford a means of identifying the voter; but a ballot having a mark "O. K." written on the blank space beneath a set of candidates is void as is also ballots having

the words "voted for" written after the name of one of the candidates, in addition to the required voting mark; so, ballot having the names of all the candidates for a certain office marked out and then one of such names written in the blank space left for extra names, cannot be counted; nor could a ballot having a line drawn through the name of each candidate of one party. *Vas Winkle v. Crabtree*, 34 Or. 462, 55 Pac. 831.

§ 3414. Penalty for Interfering With Secrecy of Ballot.

Any officer upon whom a duty is imposed by this act who shall disclose to any person the name of any candidate for whom any elector has voted, or give any information by which

it can be ascertained for whom any elector has voted, or any judge or clerk of election or other officer about the polls who shall do any electioneering on election day, or any person who shall do any electioneering on election day within any polling place or within fifty feet of any polling place, or any person who shall remove any white ballot from any polling place before the closing of the polls, or any person who shall knowingly apply for or receive any white ballot in any polling place other than that in which he is entitled to vote, or any person who shall show his ballot after it is marked to any person in such a way as to reveal the contents thereof, or the name of the candidate or candidates for whom he has marked his ballot, or any person (except the chairman of election) who shall receive from any voter the ballot prepared for voting, or any person who shall, contrary to this act, ask another at a polling place for whom he intends to vote, or who shall examine his ballot or solicit the voter to show the same, or any elector who shall knowingly receive any white ballot from any other person than one of the election clerks, or any person who shall print or circulate or knowingly have in his possession any imitation of the official white or colored ballots, or any person, other than a clerk of the election, who shall deliver any white ballot to an elector, or any elector who shall deliver any ballot to the chairman to be voted except the one he received from the first election clerk, or any elector or any one who shall, contrary to the provisions of this act, place any mark upon or do any thing to his or any white ballot by which it may be afterwards identified as the one voted by any particular individual, upon conviction shall be punished by a fine of not less than \$50 and not more than \$500, or by imprisonment in the county jail not less than three months nor more than one year, or both, in the discretion of the court.

See act to prevent coercion or intimidation of voters at public elections, Sections 2060, 2061.

§ 3415. Penalty for Tampering With Ballots.

Any judge or clerk of election who shall willfully disregard any of the provisions of this act, or who shall negligently fail to enforce any of the provisions of this act, or who shall, in the counting of the ballots or making the returns thereof, willfully disregard any of the directions or requirements of this act, or any person who shall willfully or fraudulently alter or destroy any white ballot cast at any election or any of the returns of any election regulated by this act, or who shall introduce among the genuine ballots a fraudulent ballot, or any person who shall falsely write the initials of the chairman or any writing upon the ballot or ballot stub purporting

to be written by the clerk or chairman, or any person who shall steal any of the ballots or returns, or willfully or fraudulently hinder or delay the delivery of any of the election returns to the county clerk, or willfully break open any of such sealed returns of any election regulated by this act, upon conviction shall be punished by imprisonment in the penitentiary not less than one year nor more than three years, or by fine not less than \$500 nor more than \$2,000, or both such fine and imprisonment.

§ 3416. Mutilation of Election Papers.

Any person who shall, prior to or during an election, willfully deface, tear down, remove, or destroy any list of candidates or other notice posted in accordance with the provisions of this act, or who, during an election, shall willfully deface, tear down, remove, or destroy any card of instruction or specimen ballot posted under the provisions of this act for the instruction of voters, or who shall deface, tear down, remove, alter, or destroy any certificate of the result of the election posted under the provisions of this act, or who shall, during an election willfully remove or destroy any of the official white or sample ballots, supplies, or conveniences furnished to enable a voter to prepare his ballot, or who shall willfully break the seals or open any of the sealed packages containing any of the supplies for the polling places contrary to the provisions of this act, upon conviction shall be punished by a fine of not less than \$50 nor more than \$500, or by imprisonment in the county jail not more than one year, or by both such fine and imprisonment, in the discretion of the court.

§ 3417. Names of Candidates for United States Senate to Be Placed on Ballots.

At all general elections next preceding the election of a senator in Congress by the legislature of Oregon there shall be placed upon the official ballot by each of the county clerks and clerks of the county court the names of all candidates for the office of senator in Congress that have been nominated in any of the methods now, or which may hereafter be, provided by law for the nomination of State officers of the State of Oregon, the votes for which candidates shall be counted and certified to by the election judges in the same manner as the votes for other candidates; and records of the vote for such candidates shall be made out and sworn to by the board of canvassers of each county of the State and returned to the Secretary of State, who shall transmit duplicate copies of such returns to the legislative assembly at its next ensuing session,

one of which shall be addressed to the senate and the other to the house of representatives of the State of Oregon, one copy of which shall be delivered by him to the president of the senate and the other to the speaker of the house of representatives, after the organization of such bodies, which officers shall open and lay the same before the separate houses when assembled to elect a senator in Congress as now required by law of Congress; and it shall be the duty of each house to count the votes and announce the candidate for senator having the highest number, and thereupon the house shall proceed to the election of a senator as required by the act of Congress and the constitution of this State.

§ 3418. Legislators Instructed to Vote for Senatorial Candidates Securing Plurality of Popular Vote.

We, the people of the State of Oregon, hereby instruct our representatives and senators in our legislative assembly, as such officers, to vote for and elect the candidates for United States senator from this State who receive the highest number of votes at our general elections.

COUNTING BALLOTS AND DECLARING RESULTS.

§ 3419. County Clerk to Open Returns and to Give Certificate for Compensation of Judges and Clerks.

On the tenth day after the close of any election, or sooner if all the returns be received, the county clerk, taking to his assistance two justices of the peace of the county, shall proceed to open said returns and make abstracts of the votes. Such abstract of votes for Governor shall be one sheet, and shall be transmitted to the Secretary of State separately, as provided in Section 4, Article V of the Constitution. Such abstract of Secretary of State, State Treasurer, State Printer, Justices of the Supreme Court, members of Congress, judges of the circuit court, and district attorneys, shall be all on one sheet; the abstract of the votes for members of the legislative assembly shall be on one sheet; and the abstract of votes for county and precinct officers shall be on another sheet; and it shall be the duty of the said clerk immediately to make out a certificate of election to each of the persons having the highest number of votes for members of the legislative assembly, county and precinct officers, respectively, and to deliver such certificate to the person entitled to it, on his making application to the clerk at his office; *provided*, that when a tie shall exist between two or more persons for the senate or house of representatives, the county clerk shall give notice to the sheriff of the county, who shall immediately advertise another election for such offices,

giving at least ten days' notice; and it shall be the duty of the county clerk of such county, on the receipt of the returns of any general or special election, to make out his certificate, stating therein the compensation to which the judges and clerks of election may be entitled for their services, and lay the same before the county court at its next term, and the said court shall order the compensation aforesaid to be paid out of the county treasury.

§ 3420. Summary of Votes to Be Entered in Election Record.

Upon the completion of the canvass of the votes by the county board of canvassers as provided in Section 3419, the county clerk shall enter in a book to be kept for that purpose and known as the "election record," a complete summary of all the votes cast in his county for all offices and all candidates for such offices, and for all measures or questions voted upon at said election, and shall enter in said election record the declaration of the board of canvassers showing the final decision upon any office, measure, or question, when such final decision is based upon the vote of the county; this record to be signed by the board of canvassers and attested by the seal of the county.

§ 3421. Lots Drawn in Case of Tie.

If the requisite number of county or precinct officers shall not be elected, by reason of two or more persons having an equal and the highest number of votes for one and the same office, the clerk whose duty it is to compare the polls shall give notice to the several persons so having the highest and an equal number of votes, to attend at the office of the county clerk at a time to be appointed by said clerk, who shall then and there proceed publicly to decide by lot which of the persons so having an equal number of votes shall be declared duly elected; and the said clerk shall make and deliver to the person thus declared duly elected a certificate of his election as hereinbefore provided.

§ 3422. Canvass by Secretary of State—Governor's Certificate and Proclamation.

The county clerk, immediately after making the abstract of the votes given in his county, shall make a copy of each of said abstracts, and transmit it by mail to the Secretary of State, at the seat of government, and it shall be the duty of the Secretary of State, in the presence of the Governor, to proceed within thirty days after the election, and sooner if the returns be all received, to canvass the votes given for Secretary and

Treasurer of State, State Printer, Justices of the Supreme Court, members of Congress, judges of the circuit court, district attorneys, joint senators and joint representatives; and the Governor shall grant a certificate of election to the person having the highest number of votes, and shall also issue a proclamation declaring the election of such person. In case there shall be no choice, by reason of any two or more persons having an equal and the highest number of votes for either of such offices, the Governor shall by proclamation order a new election to fill said offices.

§ 3423. Secretary, When to Send for Returns.

If the returns of the election of any county in this State shall not be received at the office of Secretary of State within thirty days after the election, the Secretary shall forthwith send a messenger to the county court of such county, whose duty it shall be to furnish said messenger with a copy of such returns, and the said messenger shall be paid out of the county treasury of the said county the sum of twenty cents for each mile he shall necessarily travel in going to and returning from said county.

§ 3424. Votes for Assemblymen, When Returned.

When two or more counties are united in the same senatorial or representative district, the return of votes cast for joint senator or representatives to the legislative assembly shall be forwarded by the county clerk of each county to the Secretary of State in like manner as votes cast for judges of the Supreme Court and district attorneys are now required by law to be returned.

§ 3425. Penalty for Official Misconduct.

If any judge or clerk of election, or any other person in any manner concerned in conducting the election, shall corruptly violate any of the provisions of this chapter, he shall forfeit and pay to the county a sum not less than \$50 nor more than \$500, to be recovered by a civil action in the name of the county court of the proper county. In all elections in this State, the person having the highest number of votes for any office shall be deemed to have been elected.

ELECTION CONTESTS.

§ 3426. Notice of Contest.

Any person wishing to contest the election of any person to any county, district, township, or precinct office, may give

notice in writing to the person whose election he intends to contest that his election will be contested, stating the cause of such contest briefly, within thirty days from the time said person shall claim to have been elected.

§ 3427. Service of Notice—Contest, How Heard.

Said notice shall be served in the same manner as a summons issued out of the circuit court, ten days before any hearing upon such contest as herein provided shall take place, and shall state the time and place that such hearing shall be had. Upon the return of said notice served to the clerk of the county, he shall thereupon enter the same upon his issue docket as an appeal case, and the same shall be heard in its order by the circuit court; *provided*, that if the case cannot be determined by the circuit court in term time within one month after the termination of said election, the judge of the circuit court may hear and determine the same at chambers as soon thereafter as may be practicable, and shall make all necessary orders for the trial of the case, and carrying his judgment into effect; *provided*, that this section shall not apply to township or precinct officers. In case of contest between any persons claiming to be elected to any township or precinct office, said notice shall be served in the manner aforesaid, and shall be returned to the county court of the county.

§ 3428. Contest for Precinct Offices.

Upon the return of said notice to the said county court, and on the day and at the place therein named, the county judge shall hear and determine such contest, and make all necessary orders for trial of the cause and carrying his judgment into effect.

§ 3429. Trial—Election Certificate and Appeal.

Each party shall be entitled to subpoenas and subpoenas *duces tecum*, as in ordinary cases of law; and the court shall hear and determine, without the intervention of jury, the same, in such manner as shall carry into effect the expressed will of a majority of the legal voters, as indicated by their votes for such office, not regarding technicalities or errors in spelling the name of any candidate for such office; and the county clerk shall issue a certificate to the person declared to be duly elected by said court, which shall be conclusive evidence of the right of said person to hold said office; *provided*, that the judgment or decision of the circuit court in term time, or a decision of a judge thereof in vacation, as the case may be, may be removed to the Supreme Court, in such other manner

as is provided for removing causes from the circuit court to the Supreme Court; *and provided further*, that appeals may be taken from the decision of the county court to the circuit court, as in other cases—in all of which cases the party removing any such judgment or decision by appeal shall file in the proper court a bond to the opposite party, in such sum and with such sureties as shall be prescribed by a judge thereof, conditioned for the payment of all costs that may be properly taxed against him.

§ 3430. Chapter, How Construed.

This chapter shall not be construed so as to impair in any way the right of any person to contest any election in the manner otherwise provided by law.

RESIGNATIONS, VACANCIES, ETC.

§ 3431. Resignations—Elections to Fill Vacancies.

Any person who shall receive a certificate of his election as a member of the legislative assembly, coroner, or commissioner of the county court, shall be at liberty to resign such office, though he may not have entered upon the execution of its duties or taken the requisite oath of office; and when any vacancy shall happen in the office of member of the senate or house of representatives, by death, resignation, or otherwise, and a session of the legislature is to take place before the next biennial election, the Governor shall issue a writ of election, directed to the sheriff of the county, or sheriffs of the counties composing the district in which such vacancy shall occur, commanding him or them to notify the several judges of election in his county or their district to hold a special election to fill such vacancy or vacancies, at a time appointed by the Governor.

§ 3432. To Whom Resignations Are Made.

Resignations shall be made as follows:

1. By the Secretary of State and State Treasurer, and by all officers elected by the legislature, to the Governor;
2. By all officers who hold their offices by election to the officer or officers respectively authorized by law to order a special election to fill such offices, respectively;
3. By all other officers holding their offices by appointment, to the body, board, or officer that appointed them.

§ 3433. Office—When Becomes Vacant.

Every office shall become vacant on the occurring of either of the following events before the expiration of the term of such office:

1. The death of the incumbent;
2. His resignation;
3. His removal;
4. His ceasing to be an inhabitant of the district, county, town, or village for which he shall have been elected or appointed, or within which the duties of his office are required to be discharged;
5. His conviction of any infamous crime, or of any offense involving a violation of his oath;
6. His refusal or neglect to take his oath of office, or to give or renew his official bond, or to deposit such oath or bond within the time prescribed by law;
7. The decision of a competent tribunal declaring void his election or appointment.

§ 3434. Office, When Governor to Declare Vacant.

The Governor shall also declare vacant the office of every officer required by law to execute an official bond whenever a judgment shall be obtained against such officer for a breach of the conditions of such bond.

§ 3435. Vacancy During Recess of Assembly.

Whenever a vacancy shall occur during the recess of the legislature in any office which the legislature is authorized to fill by election, the Governor, unless it is otherwise specially provided, may appoint some suitable person to perform the duties of such office.

§ 3436. Vacancies, When Filled by County Court.

When at any time there shall be in either of the offices of county clerk, sheriff, coroner, or any county or precinct office, no officer duly authorized to execute the duties thereof, some suitable person may be appointed by the county court to perform the duties of either of said offices.

§ 3437. Terms of Appointees—Must Qualify.

Every such person so appointed in pursuance of either of the two last preceding sections shall, before proceeding to execute the duties assigned him, qualify in the same manner as required by law of the officer in whose place he shall be appointed, and he shall continue to exercise and perform the duties of the office to which he shall be appointed until such vacancy shall be regularly supplied as provided by law.

§ 3438. Congressional Vacancy.

Whenever a vacancy may occur in the office of representative in Congress from this State from any cause whatever,

the Governor shall issue his writ of election to fill such vacancy in the same manner and under the same regulations as are prescribed by law to fill vacancies in the legislative assembly.

§ 3439. Commencement of Terms of Office.

The term of office of all officers elected shall begin to run from the time of their election, unless some other express provision is made by law.

§ 3440. Office of Governor.

The term of office of the Governor shall cease when his successor, having been declared elected by the legislative assembly, as provided in the Constitution, shall be inaugurated by taking the oath of office.

§ 3441. State Treasurer, Secretary, and Printer.

The term of office of Secretary of State, State Treasurer, and State Printer shall cease on the first day of the regular session of the legislative assembly next following the general election on which the terms of their successors shall begin.

§ 3442. Judges of Supreme Court.

The terms of office of the judges of the Supreme Court shall cease on the first day of September in the year when the constitutional term of the said judges shall expire, and the term of the judges newly elected to fill the place of any whose term so expires shall commence on said days.

PRESIDENTIAL ELECTORS.

§ 3443. Election of Presidential Electors.

On the Tuesday next after the first Monday in November, 1864, and every four years thereafter, there shall be elected by the qualified electors of this State as many electors of president and vice president as this State may be entitled to elect of senators and representatives in Congress.

§ 3444. When to Convene—Vacancies; Duty of Electors.

The electors of president and vice-president shall convene at the seat of government on the first Wednesday of December next after their election, at the hour of twelve of the clock at noon of that day, and if there shall be any vacancy in the office of an elector, occasioned by death, refusal to act, neglect to attend, or otherwise, the electors present shall immediately proceed to fill by *viva voce* and plurality of votes, such vacancy in the electoral college, and when all the electors

shall appear, or the vacancies, if any, shall have been filled as above provided, such electors shall proceed to perform the duties required of them by the constitution and laws of the United States.

§ 3445. Canvass of Votes.

The votes for the electors shall be given, received, returned, and canvassed as the same are given, returned, and canvassed for members of Congress. The Secretary of State shall prepare two lists of the names of the electors elected and affix the seal of the State to the same. Such lists shall be signed by the Governor and Secretary, and by the latter delivered to the college of electors at the hour of their meeting on such first Wednesday of December.

§ 3446. Compensation of Electors.

Every such elector who shall attend at the time and place appointed, and give his vote for president and vice president shall be entitled to receive from this State \$3.00 for each day's attendance at such election and \$3.00 for every twenty miles' travel in going to and returning from the place where the electors shall meet, on the usually traveled route.

OF REGISTRATION OF VOTERS.

§ 3447. Providing Registration Books and Blanks.

It is hereby made the duty of the county clerk of each county in this State, between May 1 and December 15, 1899, and biennially thereafter between said dates, to procure a sufficient supply of all the books and blanks required by this chapter and to register all the electors in the county. The board of commissioners of each county shall order to be paid out of the county treasury the reasonable and necessary expenses so incurred by the county clerk.

§ 3448. Form of Registration Book and Elector's Oath.

Said registration book shall be ruled and printed upon twenty-four pound folio, superfine white paper, so that each double page may be twenty-two inches wide and seventeen inches long. They shall be ruled and printed alike for all counties in the State. There shall be one or more volumes, well bound with leather backs and corners and cloth sides, for each county, large enough to contain the names of all the electors in the county, called the "General County Register." Each general county register shall have four blank leaves, suitably ruled, in the front, to facilitate making an index to

the several precincts in the county, and the pages shall be numbered consecutively on the upper right-hand corner of each double page. Each county clerk shall, before proceeding to register electors, suitably divide his general county register into as many parts as there are election precincts in his county, and index the several precincts in the front of the volume. There shall be one registration book bound in tag board with cloth strips on the back, for each election precinct in each county in the State, called the "Precinct Register for.....Precinct,.....County"; and its pages shall be alphabetically indexed on the margin so as to facilitate registering the electors in the precinct in alphabetical order, according to surnames. These precinct registers shall be bound in different sizes so as to suit the different precincts. Size one shall contain eight double pages, size two shall contain sixteen double pages, size three shall contain thirty-two double pages, size four shall contain forty-eight double pages. The paper, size of pages, ruling, and printing shall be the same as used for the general county register, but the pages need not be numbered. Said registration books shall be ruled and printed substantially in the following form:

OFFICIAL REGISTER OF ELECTORS FOR.....PRECINCT,COUNTY,
OREGON.

Number	Date	Name, sur- name, and given name	Voted	Occu- pation	Age	Nativity	Declara- tion of naturaliza- tion	Resi- dence	Oath	Signa- ture of electors	Clerk's signature	Remarks

The following form of oath shall be printed perpendicularly in the column headed "oath" "I, having been first duly sworn, say, upon oath, that I am a qualified elector, and the statements here entered opposite my name, as to my qualifications as an elector, are true."

§ 3449. Form of Registration Blanks.

The following registration blanks, designated as "Registration blank A," and "Registration blank B," shall be printed upon sixteen pound cap, superfine paper, eight and one-half inches wide, and fourteen inches in length, with a blank margin of one inch on the left-hand side of the blank, the back of which margin shall be gummed five-eighths of an inch in width. They shall be furnished in pads of one hundred each:

OREGON REGISTRATION BLANK "A."

This blank serves for three purposes: For registering with a notary public or justice of the peace, as provided in section 3455, in which case two witnesses are necessary; also for use if challenged under section 3461, when six witnesses may be required; also under section 3462, when the elector is not registered in the precinct, when he must subscribe to this blank three times and produce six freeholders as witnesses, who must all sign the second affidavit.

STATE OF OREGON, }
 County of..... } ss.

I, the undersigned elector, do solemnly swear (or affirm) that my name and signature as signed below is my true name and signature. If I have not personally signed it, it is because.....; and it was signed at my request by the attending [attesting] officer. My age is..... years, and occupation.....; nativity.....; naturalized or declared my intention in.....court, in.....County,.....State, on.....19...., as appears by the naturalization papers exhibited herewith. Present residence is in section....., township....., range....., County, Oregon, (or if town or city) at No., Street, in the city of.....; I occupy room.....on the.....floor; that I have resided in this State during the six months immediately preceding this election.

In testimony whereof I sign my name three times.

(1) _____,
 (2) _____,
 (3) _____,

Elector.

NOTE.—If unable to sign, let the officer write his name and so state.

We the undersigned witnesses do swear that our names and signatures are genuine; that we are each personally acquainted with the elector and his residence, as stated; that we believe all his other statements are true, and that we are each freeholders in the county.

Signatures. Residence.

Subscribed and sworn to by the elector and.....witnesses before me this.....day of....., 19.....

(Erase one title to suit.) Justice of the Peace for.....District.
 Notary Public for Oregon.

OREGON REGISTRATION BLANK "B."

For use if the elector has changed residence after registering, in order to cancel the same. By canceling his former registration in this manner he can again register in his present precinct and county. See sections 3459 and 3460.

I, the undersigned elector, do solemnly swear (or affirm) that my name and signature as signed below is my true name and signature.

If I have not personally signed it, it is because.....; and it was signed at my request by the attesting officer. That while a resident ofprecinct, in..... County, Oregon, I registered, but on..... day of....., 19...., I moved my residence to section....., township....., range....., County, Oregon; (or if in city) to No....., Street, in the city of.....; I occupy room..... on the..... floor. I, therefore, request the cancellation of my registration in said..... precinct, County, Oregon.

Elector.

NOTE.—If unable to sign, let the officer write his name and so state.

We, the undersigned witnesses, do swear that our names and signatures are genuine; that we are each personally acquainted with the elector and his residence, as stated; that we believe all his other statements are true, and that we are each freeholders in this county.

Signatures. *Residence.*

Subscribed and sworn to by the elector and the two witnesses before me this.....day of....., 19....

(Erase one title to suit.) _____
Justice of the Peace for.....District.
Notary Public for Oregon (or other officer).

§ 3450. Clerk of County Court to Act, When.

In all counties in the State which have no county clerk, the clerk of the county court shall perform all the duties required by this chapter to be done or performed by the county clerks in the other counties, and he shall be compensated in the same manner.

The above section as enacted provided that "in Multnomah County and in all other counties in the State," etc. In view of the act abolishing the office of clerk of the county court and re-creating the office of county clerk (sections §§ 3019-3021, *ante*), the section has been changed to read as above.

§ 3451. Time of Registration.

It shall be the duty of every elector in the State of Oregon, between the first Monday in January, 1900, and 5 o'clock P. M. of the fifteenth day of May, 1900, and between the same dates and hours biennially thereafter, to register with some notary public or justice of the peace or with the county clerk of the county in which the elector resides, in accordance with this chapter.

§ 3452. County Clerk Must Enter Elector's Name.

It shall be the duty of the county clerk in each county, between the first Monday in January, 1906, and 5 o'clock P. M. of the fifteenth day of May, 1906, and between the same dates and hours biennially thereafter, and between the twentieth day of September, 1904, and 5 o'clock P. M. of the twentieth day of October, 1904, and between the same dates in

each and every year thereafter in which there shall be an election of presidential electors, to enter upon the proper registers every person who complies with the requirements of this chapter and claims to be an elector residing in the county. If the clerk refuses to enter the name of any qualified elector, such elector may proceed by mandamus to compel him to do so; *provided*, that the county clerk shall not register any elector during the period beginning on the fifty-fourth day and ending on the forty-first day immediately preceding the general biennial June election; *and provided further*, that this law shall not operate to prevent any additional registration of voters required by the charters or ordinances of any city or town within the provisions of section 3354.

§ 3453. Manner of Registration—Information to Be Given.

Every elector may be registered without charge by personally appearing in the office of said clerk and after being duly sworn, stating the following facts, which the clerk or his deputy shall appropriately enter in black ink, at first in the general county register. The electors shall be numbered consecutively one, two, three, etc., in each precinct as they are registered in the general county register. The clerk shall inquire of the elector, and enter the following information in the general county register, in the division set off for the precinct in which the elector resides, to wit: (1) the registration number of the elector; (2) the date of registering the elector; (3) the full name of the elector; (4) leave a blank space in which the judges of election shall enter in the precinct register the poll book number of each elector when he has voted; (5) the business or occupation of the elector; (6) the age of the elector in years; (7) the country of nativity; (8) if naturalized, the time, place, and court of naturalization or declaration, as evidenced by the legal proof thereof, exhibited by the elector; (9) the postoffice address and the actual and precise place of residence of the elector at the time of his registering, stating first the precinct, and, if in the country, the section, township and range; and in cities and towns having streets, by specifying the name of the town or city, the street or other location of or dwelling place of the elector, with the number of such dwelling, if the same has a number; if not, then with such description of the place that it can readily be ascertained and identified; if the elector be not the head or proprietor of the house, then it must show that fact, and upon what floor thereof, and what room such elector occupies in such house; (10) the fact whether or not the elector desiring to be registered is able to write his name and mark his ballot, and if he can not do both, then the nature of such disability must be

entered; (11) the elector shall then, next following the afore-administered oath, sign his name in the presence of the clerk, or the deputy acting, in the general register upon the same line where the preceding information is written, and the registering officer shall then sign his own name upon the said line, and add any remark required by this chapter or appropriate thereto for the information of the judges of election. If the elector is registered by the clerk in person, he shall sign his own name in attestation thereof, and if the elector is registered by a deputy, then in addition to the name of the clerk, the particular deputy actually registering the elector shall sign his name, at length, in attestation thereof. If the elector declares he is unable to mark his ballot or sign his name he shall state why, and the clerk shall enter upon the register the reasons. If the elector's inability to sign is apparent, in consequence of some physical infirmity, such as blindness or loss of limb, incapacitating the elector from writing, he shall so state the fact; but if the disability is stated to be the illiteracy of the elector, the clerk shall, in addition to stating that fact, enter as full a description of the physical peculiarities of the elector as possible, giving his height, approximate weight, complexion, color of eyes, and any visible marks or scars and their location, and attest the same.

It shall be the duty of the county clerk in each county on the last day of each week of registration to send to the Secretary of State by mail the name and postoffice address of every elector registered in the preceding six days.

§ 3454. Precinct Registers—What to Contain.

The clerk shall then enter in the separate precinct register of the particular precinct in which the elector resides everything entered by him in the general register. He shall arrange the names alphabetically, according to surname, in the separate precinct register, but the same number given the elector in the general register shall be given him in the separate precinct register. The clerk or deputy shall then require the elector to sign his name, and, as in the general register, he shall attest the registration. The separate election precinct registers shall contain all the information concerning the elector contained in the general or county register, including the actual signature of the elector, if able to sign, and the clerk's or his deputy's, signature attesting such registration.

§ 3455. Registration Before a Notary.

Every elector may be registered by personally appearing at the clerk's office and complying with the provisions of sections 3453 and 3454; but, if said elector is unable for any reason to

conveniently register as aforesaid, he may register, without charge, before a notary public or a justice of the peace in the county in which he resides by using one of the blanks designated as blank "A" in section 3449, and filling out the blank in such a way as to afford all the information which he ought otherwise to give to the clerk under section 3453, and in addition thereto signing the same three times in the presence of two witnesses, freeholders of the county, who shall sign their names upon the same blank, and by the elector and witnesses making oath thereto, as specified in said blank "A," which shall be duly certified by the notary public or justice of the peace and forthwith filed with the county clerk of the county in which the elector resides. The county clerk shall supply such registration officers, upon request, with a sufficient number of said blanks "A" and "B" free of charge. Each justice of the peace or notary public who so registers electors shall at the time he registers them enter the names, arranged alphabetically, according to surname, and the date of registration and the precinct, in a record book kept by him for that purpose. He shall not charge the elector anything, but he shall be entitled to receive from the county the sum of ten cents for each elector so registered by him whose affidavit has been duly filed with the county clerk and who has voted in the precinct where he registered at the next ensuing election. After each general election, the county commissioners shall audit such bills and order payment to be made in accordance herewith.

§ 3456. Registration by Voter Absent at Time of Registration Before Clerk.

Any elector of the State of Oregon who is out of the State at the time when voters are required to register may register before a notary public in the state in which he may be at the time by using one of the blanks designated as blank "A," in section 3449, and filling out the blank in such a way as to afford such information which he ought otherwise to give the clerk under section 3453, and in addition thereto signing his name three times in the presence of two witnesses, freeholders of the county and state in which he then is, who shall sign their names upon the same blank, and by the elector and witnesses making oath thereto, as specified in said blank, which shall be duly certified by the notary public and filed with the county clerk of the county in which the elector resides in Oregon. Upon the filing of such blank, filled out and certified as aforesaid, the county clerk shall enter the name of the elector upon the poll books of the county and proceed in the same manner as if the elector had registered before a notary public or justice of the peace in the county.

§ 3457. Absent Elector May Be Registered by the Clerk.

Upon receipt of said written application or affidavit of an elector for registration, if it is in due form and duly certified, the clerk shall forthwith register the elector in the proper precinct in the general register, and also in the separate precinct register, in the same manner as if the elector had personally appeared in the clerk's office. The clerk shall cut out two of the signatures of the elector in said written application and paste them in the registers where the elector would have signed if he had applied in person, and file and preserve the written application in a paged file, noting upon the proper line in each register book the page in said file where said written application is filed. The clerk or deputy acting shall attest each such registration entered by him.

§ 3458. Manner of Proceeding on Change of Residence.

Every elector, upon changing his residence after registering, may, within the time for registering, cause his former registration to be canceled, by a request in writing to the clerk where he is registered, imparting the information called for in blank "B" in section 3449, signing his name to it in the presence of two freeholders, who shall sign their names, stating their places of residence; and by the said elector and witnesses swearing to the truthfulness of the statement before some one authorized to administer oaths, and by filing the same duly certified with the clerk where he was registered. The clerk shall compare the signature of the elector with his signatures upon the registers, and if satisfied of the genuineness of the same he shall file his communication, and page the same, and then in each of the registers in red ink draw a line through the elector's name and write "canceled" and the number of the page where the blank is filed, and attest the cancellation by signing his own name.

§ 3459. Residence and Qualification of Elector.

No person shall register who is not a qualified elector of the precinct in which he registers and who is not a resident thereof, or register in a name other than his true name; and no elector shall register a second time in the same precinct, or register in any other precinct until his first registration has been canceled as provided in section 3458.

§ 3460. Registers Closed, When.

The county clerk shall close all books of registration for the period of fourteen days at 5 o'clock P. M. on the fifty-fifth day before the regular general election in 1906 and biennially

thereafter, by writing the words "Closed for fourteen days," in red ink on the line next below the last elector registered in each precinct of the general register. He shall then immediately in the indexed pages in the general register, opposite the name of each precinct, in writing certify the number of electors registered in that precinct for each party subject to the provisions of the primary nominating elections law, and sign his name and title and affix the seal of the county thereto; and he shall immediately send to the Secretary of State, by telegraph if necessary, a certified copy of the numbers and totals for each party for his county; he shall likewise close the books of the precinct registers, and certify in each of the precinct registers the total number of electors registered in each precinct for each of the parties subject to the primary nominating elections law, and not canceled, and sign the same with his official title and affix the seal of the county thereto. All of said registers shall be reopened by the clerk on the fortieth day before the ensuing general election in June, 1906, and biennially thereafter, and remain open until the fifteenth day of May, 1906, and biennially thereafter, when they shall be finally closed for the ensuing election in the manner above provided.

§ 3461. Registers Are Public Records.

The said registers shall all be public records. The general register of the county shall be kept in the office of the county clerk, as other public records are kept. Every citizen shall be allowed to examine the county general register and each of the precinct registers while they are in the custody of the county clerk, and make copies or extracts therefrom without charge to him. The several precinct registers shall be sent to their respective precincts, together with a suitable supply of the said registration blanks "A," as prescribed by section 3449, all sealed, the same as other stationery and supplies are now forwarded to the judges of each precinct.

§ 3462. Registered Elector May Be Challenged.

Upon the day of election the judges of election, as soon as an elector applying to vote has given his name and residence to the election clerks, shall ask the elector if he is registered, and also examine the register. Notwithstanding the elector is registered, his right to vote may be challenged and tried at any time before his ballot is actually deposited in the ballot box. If he appears to be registered and is challenged, he shall be required to take and subscribe to the oath prescribed in blank "A," by Section 3449, and in trying the challenge the judges shall compare his signature with that in the register

and consider the same in deciding the challenge, and, after noting thereon their decision, shall file the same, no matter how the challenge may be determined. The judges, in their discretion, may require such elector to produce before them as many freeholders of the county as they may deem necessary, not exceeding six freeholders, and have them take and subscribe to the second oath as specified in said blank "A" of Section 3449, using the same blank signed by the elector.

§ 3463. Elector Considered Challenged When Not Registered.

If it appears the elector is not registered in the precinct in which he applies to vote, the elector in every case, as of course, shall be considered challenged, and shall be required to subscribe and swear or affirm to the blank "A," prescribed by Section 3449, filled out according to the facts, and in addition thereto he shall be required to procure six freeholders of the county to take and subscribe to the second oath as specified in said blank "A" of Section 3449, and the same shall be considered by the judges and forthwith decided; and after noting thereon with ink whether the elector is allowed to vote or not, and if allowed to vote, the poll book number of the elector, they shall file the same. Unless the elector in every such case so establishes his right to vote in the precinct, and to the satisfaction of the judges, his vote shall not be received. In carrying out the provisions of this chapter the judges of election, or either of them, are hereby authorized to administer and certify oaths, and to issue subpoenas to require the attendance of witnesses before them; *provided*, that in carrying out the provisions of this section in cities having a population of five thousand or more as shown by the last preceding Federal census, the elector offering to vote and all the freeholders subscribing to the affidavits herein required shall take such oath before, and the same shall be administered only by the judges of election or either of them in the precinct and at the time the elector offers to vote, and such affidavits shall not be received if taken or made at any other time or place or before any other officer than one of said judges of election.

§ 3464. Precinct Registers and Affidavits Included With Returns.

The precinct registers, and all affidavits filed, shall be returned along with the other election returns, sealed and marked on the cover with the contents and the name of the precinct, to the county clerk of the county.

§ 3465. Penalty for Violation of Act by Officers.

Any county clerk or clerk of the county court of any county, or any deputy of either of such officers, or any judge or clerk

of election, or any justice of the peace or notary public, who shall willfully disregard any of the provisions of this Chapter, or who shall willfully fail to perform or enforce any of the provisions of this chapter, or any person who shall willfully or fraudulently register more than once, or register under any but his true name, or attempt to vote by personating another who is registered, contrary to the provisions of this chapter, or knowingly register in any precinct where he is not a resident at the time of registering, upon conviction shall be punished by imprisonment in the penitentiary not less than one year nor more than three years, or by fine not less than \$100 nor more than \$2,000, or both such fine and imprisonment. Any person who shall falsely swear to any affidavit required by this chapter shall be deemed guilty of perjury, and upon conviction thereof shall be punished accordingly.

§ 3466. Electors Must Personally Appear to Register, When.

All electors residing in the town or incorporated city which is the county seat, and where the county clerk or the clerk of the county court has his office, shall personally appear in the clerk's office and comply with the provisions of this chapter, in order to register. The board of county commissioners shall furnish the county clerk or clerk of the county court all necessary assistance to enable him to carry out the provisions of this chapter.

§ 3467. Duty to Challenge Voter, When.

It shall be the duty of each clerk or elector present to challenge any person offering to register whom he shall know or suspect not to be qualified as an elector. If the person so challenged shall refuse to answer fully any questions touching his qualifications as an elector which shall be put to him by the registering officer, the registering officer shall refuse to register him. The qualifications of the applicant as an elector shall be determined in the first instance by the registering officer, from the evidence produced before him, and if he finds the applicant disqualified to vote at the next election he shall reject the application, but if he finds him qualified he shall register him. If rejected, the name and place of alleged residence of each applicant for registration, and the date when rejected, shall be entered in a separate list for each precinct, kept by the registering officer.

Laws 1901, Page 328. Provisions of Australian Ballot Law Applicable.

The following sections of the act, commonly known as the "Australian Ballot Law," approved February 13, 1891, at

page 8, shall apply to elections held under this act, namely, Sections 3317 to 3323, 3325 to 3331, 3337, 3338, 3341 to 3345, 3393, 3396, 3397, 3400, 3401, 3402, 3404, 3407 to 3412, 3414, 3415 and 3416.

This section was section 26 of the act approved February 23, 1901, providing for primary elections in cities having a population of more than ten thousand inhabitants. All of said act, except this section, was repealed by the direct primary nominating elections

law, adopted by the people at the general election held June 6, 1904, and although it appears to have no effect, it is published with this compilation for the reason that it still remains on the statute books.

§ 3468. Penalty for Voting Illegally, or Improperly Influencing Voters, or Tampering With Ballots.

Any person voting or offering to vote at any such election who would not be qualified to vote in the election precinct at the general election then next ensuing, or who has voted at the primary election of any other political party or association held for the purpose of electing delegates to any convention at which the candidates of the respective parties are to be chosen for the ensuing election, or who shall vote more than once at the same or different polls on the same day at the same primary election, or, knowing that he is not a qualified voter at such election, willfully votes or offers to vote at such election, or willfully aids or abets any one not qualified to vote at such primary election in voting or attempting to vote at such election, or by offering or giving or promising to give a reward or bribe or money, or any valuable consideration, either directly or indirectly, to attempt to influence or to influence any voter in giving or withholding his vote at such election, or by bribery or by corrupt or unlawful means prevents or attempts to prevent any voter from attending or voting at such election, or if any one places any ballot in any ballot box in use at such election which has not been regularly voted and permitted to be voted by the judges thereat, or any one concealing or destroying or removing any ballot from such ballot box for the purpose of destroying or altering the same, or changing the result of the election, or for any other purpose except for the purpose of counting such ballots after the polls are closed, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$50 nor more than \$200 or by imprisonment in the county jail not less than two nor more than six months, or by both such fine and imprisonment in the discretion of the court.

§ 3469. Challenges—Oath Required—Refusal to Answer Questions—Attempt to Vote by Rejected Voter.

If any person offering to vote at any primary election be challenged by a judge or any qualified elector at said election

as to his right to vote thereat, an oath shall be administered to him by one of the judges that he will truly answer all questions touching his right to vote at such election, and if he refuse to answer any question which may be put to him touching his right to vote at such election, or if it appear that he is not a qualified voter under the provisions of this act, his vote shall be rejected; and if any person whose vote has been so rejected shall offer to vote at the same election at any other polling place, he shall be deemed guilty of a misdemeanor, and be punished as provided in Section 3468.

DIRECT LEGISLATION ELECTIONS.

§ 3470. Form of Petition for Referendum.

The following shall be substantially the form of petition for the referendum to the people on any act passed by the legislative assembly of the State of Oregon, or by a city council:

WARNING.

It is a felony for any one to sign any initiative or referendum petition with any other name than his own, or to knowingly sign his name more than once for the same measure, or to sign such petition when he is not a legal voter.

PETITION FOR REFERENDUM.

To the Honorable Secretary of State for the State of Oregon (or to the Honorable Clerk, auditor, or recorder, as the case may be, of the city of.....):

We, the undersigned citizens and legal voters of the State of Oregon (and the district of, county of, or city of, as the case may be), respectfully order that the Senate (or House) Bill No., entitled (title of act, and if the petition is against less than the whole act then set forth here the part or parts on which the referendum is sought), passed by the Legislative Assembly of the State of Oregon, at the regular (special) session of said Legislative Assembly, shall be referred to the people of the State (district of, county of, or city of, as the case may be), for their approval or rejection, at the regular (special) election to be held on the day of, A. D. 19...., and each for himself says: I have personally signed this petition; I am a legal voter of the State of Oregon, and (district of, county of, city of, as the case may be); my residence and postoffice are correctly written after my name.

Name, Residence, Postoffice
(If in a city, street and number.)

(Here follow twenty numbered lines for signatures.)

§ 3471. Form of Initiative Petition.

The following shall be substantially the form of petition for any law, amendment to the constitution of the State of Oregon, city ordinance or amendment to a city charter, proposed by the initiative:

WARNING.

It is a felony for any one to sign any initiative or referendum petition with any other name than his own, or to knowingly sign his name more than once for the measure, or to sign such petition when he is not a legal voter.

INITIATIVE PETITION.

To the Honorable, Secretary of State for the State of Oregon (or to the Honorable, Clerk, auditor, or recorder, as the case may be, for the city of):

We, the undersigned citizens and legal voters of the State of Oregon (and of the district of, county of, or city of, as the case may be), respectfully demand that the following proposed law (or amendment to the constitution, ordinance, or amendment to the city charter, as the case may be), shall be submitted to the legal voters of the State of Oregon (district of, county of, or city of, as the case may be), for their approval or rejection at the regular general election, or (regular or special city election), to be held on the..... day of, A. D. 19...., and each for himself says: I have personally signed this petition; I am a legal voter of the State of Oregon (and of the district of, county of, city of, as the case may be); my residence and postoffice are correctly written after my name.

Name, Residence, Postoffice

(If in a city, street and number.)

(Here follow twenty numbered lines for signatures.)

§ 3472. Further of Petitions — Filing and Procedure Thereon — Measures Excepted.

Every such sheet for petitioners' signatures shall be attached to a full and correct copy of the title and text of the measure so proposed by the initiative petition; but such petition may be filed by the Secretary of State in numbered sections for convenience in handling, and referendum petitions shall be attached to a full and correct copy of the measure on which the referendum is demanded and may be filed in numbered sections in like manner. Not more than twenty signatures on one sheet shall be counted. When any such initiative or referendum petition shall be offered for filing, the Secretary of State, in the presence of the Governor and the person offering the same for filing, shall detach the sheets containing the signatures and affidavits and cause them all to be attached to one or more printed copies of the measure so proposed by initiative or referendum petitions; *provided*, all petitions for the initiative and for the referendum and sheets for signatures shall be printed on pages seven inches in width by ten inches in length, with a margin of one and three-fourths inches at the top for binding; if the aforesaid sheets shall be too bulky for convenient binding in one volume, they may be bound in two or more volumes, those in each volume to be attached to a single printed copy of

such measure; the detached copies of such measure shall be delivered to the person offering the same for filing. If any such measure shall, at the ensuing election, be approved by the people, then the copies thereof so preserved, with the sheets and signatures and affidavits, and a certified copy of the Governor's proclamation declaring the same to have been approved by the people, shall be bound together in such form that they may be conveniently identified and preserved. The Secretary of State shall cause every such measure so approved by the people to be printed with the general laws enacted by the next ensuing session of the legislative assembly, with the date of the Governor's proclamation declaring the same to have been approved by the people. This act shall not apply to the general laws governing the method of determining whether stock of any kind shall be permitted to run at large in any county or portion thereof, nor to the provisions of the local option liquor laws providing methods of determining whether the sale of intoxicating liquors shall be prohibited in any county, city, precinct, ward, or district.

§ 3473. Verification of Petition.

Each and every sheet of every such petition containing signatures shall be verified on the back thereof, in substantially the following form, by the person who circulated said sheet of said petition, by his or her affidavit hereon and as a part thereof:

STATE OF OREGON, }
 County of } ss.

I,, being first duly sworn, say: (Here shall be legibly written or typewritten the names of the signers of the sheet), signed this sheet of the foregoing petition, and each of them signed his name thereto in my presence; I believe that each has stated his name, postoffice address and residence correctly, and that each signer is a legal voter of the State of Oregon and county of, (or of the city of, as the case may be).

(Signature and postoffice address of affiant.)

Subscribed and sworn to before me this day of,
 A. D. 19.....

(Signature and title of officer before whom oath is made, and his postoffice address.)

The forms herein given are not mandatory, and if substantially followed in any petition it shall be sufficient, disregarding clerical and merely technical errors.

§ 3474. Mandamus to Compel Filing—Jurisdiction and Procedure.

If the Secretary of State shall refuse to accept and file any petition for the initiative or for the referendum any citizen

may apply, within ten days after such refusal, to the circuit court for a writ of mandamus to compel him to do so. If it shall be decided by the court that such petition is legally sufficient, the Secretary of State shall then file it, with a certified copy of the judgment attached thereto, as of the date on which it was originally offered for filing in his office. On a showing that any petition filed is not legally sufficient, the court may enjoin the Secretary of State and all other officers from certifying or printing on the official ballot for the ensuing election the ballot title and numbers of such measure. All such suits shall be advanced on the court docket and heard and decided by the court as quickly as possible. Either party may appeal to the Supreme Court within ten days after a decision is rendered. The circuit court of Marion County shall have jurisdiction in all cases of measures to be submitted to the electors of the State at large; in cases of local and special measures, the circuit court of the county, or of one of the counties in which such measures are to be voted upon, shall have jurisdiction; in cases of municipal legislation the circuit court of the county in which the city concerned is situated shall have jurisdiction.

§ 3475. Attorney General to Frame Ballot Title—Appeal.

When any measure shall be filed with the Secretary of State to be referred to the people of the State, or of any county or district composed of one or more counties, either by the legislative assembly or by the referendum petition, and when any measure shall be proposed by initiative petition, the Secretary of State shall forthwith transmit to the Attorney General of the State a copy thereof, and within ten days thereafter the Attorney General shall provide and return to the Secretary of State a ballot title for said measure. The ballot title may be distinct from the legislative title of the measure, and shall express, in not exceeding one hundred words, the purpose of the measure. The ballot title shall be printed with the numbers of the measure, on the official ballot. In making such ballot title the Attorney General shall, to the best of his ability, give a true and impartial statement of the purpose of the measure, and in such language that the ballot title shall not be intentionally an argument, or likely to create prejudice, either for or against the measure. Any person who is dissatisfied with the ballot title provided by the Attorney General for any measure may appeal from his decision to the circuit court, as provided by section 3474, by petition, praying for a different title and setting forth the reasons why the title prepared by the Attorney General is insufficient or unfair. No appeal shall be allowed from the decision of the Attorney General on a ballot title, unless the same is taken within ten days after

said decision is filed. A copy of every such decision shall be served by the Secretary of State or the clerk of the court, upon the person offering or filing such initiative or referendum petition or appeal. Service of such decision may be by mail or telegraph, and shall be made forthwith. Said circuit court shall thereupon examine said measure, hear arguments, and in its decision thereon certify to the Secretary of State a ballot title for the measure in accord with the intent of this section. The decision of the circuit court shall be final. The Secretary of State shall print on the official ballot the title thus certified to him.

§ 3476. Designation and Numbering of Measures.

The Secretary of State, at the time he furnishes to the county clerks of the several counties certified copies of the names of the candidates for State and district offices, shall furnish to each of said county clerks his certified copy of the ballot titles and numbers of the several measures to be voted upon at the ensuing general election, and he shall use for each measure the ballot title designated in the manner herein provided. Such ballot title shall in no case exceed one hundred words, and shall not resemble, so far as to probably create confusion, any such title previously filed for any measure to be submitted at that election; he shall number such measures and such ballot titles shall be printed on the official ballot in the order in which the acts referred by the legislative assembly and petitions by the people shall be filed in his office. The affirmative of the first measure shall be numbered 300 and the negative 301 in numerals, and the succeeding measures shall be numbered consecutively 302, 303, 304, 305, and so on, at each election. It shall be the duty of the several county clerks to print said ballot titles and numbers upon the official ballot in the order presented to them by the Secretary of State and the relative position required by law. Measures referred by the legislative assembly shall be designated by the heading "Referred to the People by the Legislative Assembly"; measures referred by petition shall be designated "Referendum ordered by Petition of the People;" measures proposed by initiative petition shall be designated and distinguished on the ballot by the heading "Proposed by Initiative Petition."

§ 3477. Manner of Voting—Result How Determined.

The manner of voting upon measures submitted to the people shall be the same as is now or may be required and provided by law; no measure shall be adopted unless it shall receive an affirmative majority of the total number of respective votes

cast on such measure and entitled to be counted under the provisions of this act; that is to say, supposing seventy thousand ballots to be properly marked on any measure, it shall not be adopted unless it shall receive more than thirty-five thousand affirmative votes. If two or more conflicting laws shall be approved by the people at the same election, the law receiving the greatest number of affirmative votes shall be paramount in all particulars as to which there is a conflict, even though such law may not have received the greatest majority of affirmative votes. If two or more conflicting amendments to the constitution shall be approved by the people at the same election, the amendment which receives the greatest number of affirmative votes shall be paramount in all particulars as to which there is conflict, even though such amendment may not have received the greatest majority of affirmative votes.

§ 3478. Measures and Arguments to Be Printed and Distributed.

Not later than the first Monday of the third month next before any regular general election, nor later than thirty days before any special election, at which any proposed law, part of an act, or amendment to the constitution is to be submitted to the people, the Secretary of State shall cause to be printed in pamphlet form a true copy of the title and text of each measure to be submitted, with the number and form in which the ballot title thereof will be printed on the official ballot. The person, committee, or duly authorized officers of any organization filing any petition for the initiative, but no other person or organization, shall have the right to file with the Secretary of State for printing and distribution any argument advocating such measure; said argument shall be filed not later than the first Monday of the fourth month before the regular election at which the measure is to be voted upon. Any person, committee, or organization may file with the Secretary of State, for printing and distribution, any arguments they may desire, opposing any measure, not later than the fourth Monday of the fourth month immediately preceding such election. Arguments advocating or opposing any measures referred to the people by the legislative assembly, or by referendum petition, at a regular general election, shall be governed by the same rules as to time, but may be filed with the Secretary of State by any person, committee, or organization; in the case of measures submitted at a special election, all arguments in support of such measure at least sixty days before such election. But in every case the person or persons offering such arguments for printing and distribution shall pay to the Secretary of State sufficient money to pay all the expenses

for paper and printing to supply one copy with every copy of the measure to be printed by the State; and he shall forthwith notify the persons offering the same of the amount of money necessary. The Secretary of State shall cause one copy of each of said arguments to be bound in the pamphlet copy of the measures to be submitted as herein provided, and all such measures and arguments to be submitted at one election shall be bound together in a single pamphlet. All the printing shall be done by the State, and the pages of said pamphlet shall be numbered consecutively from one to the end. The pages of said pamphlet shall be six by nine inches in size, and the printed matter thereon shall be set in eight-point Roman-faced type, single-leaded, and twenty-five ems in width, with appropriate heads and printed on sized and super-calendered paper twenty-five by thirty-eight inches weighing fifty pounds to the ream. The title page of every measure bound in said pamphlet shall show its ballot title and ballot numbers. The title page of each argument shall show the measure or measures it favors or opposes and by what persons or organization it is issued. When such arguments are printed he shall pay the State Printer therefor from the money deposited with him and refund the surplus, if any, to the parties who paid it to him. The cost of printing, binding, and distributing the measures proposed and of binding and distributing the arguments, shall be paid by the State as a part of the State printing, it being intended that only the cost of paper and printing the arguments shall be paid by the parties presenting the same, and they shall not be charged any higher rate for such work than is paid by the State for similar work and paper. Not later than the fifty-fifth day before the regular general election at which such measures are to be voted upon, the Secretary of State shall transmit by mail, with postage fully prepaid, to every voter in the State whose address he may have, one copy of such pamphlet; *provided*, that if the Secretary shall, at or about the same time be mailing any other pamphlet to every voter, he may, if practicable, bind the matter herein provided for in the first part of said pamphlet, numbering the pages of the entire pamphlet consecutively from one to the end, or he may enclose the pamphlets under one cover. In the case of a special election he shall mail said pamphlet to every voter not less than twenty days before said special election.

§ 3479. Counting and Canvass—Proclamation of Result.

The votes on measures and questions shall be counted, canvassed, and returned by the regular boards of judges, clerks and officers, as votes for candidates are counted, canvassed and

returned, and the abstract made by the several county clerks of votes on measures shall be returned to the Secretary of State on separate abstract sheets, in the manner provided by Section 3419, for abstracts of votes for State and county officers. It shall be the duty of the Secretary of State in the presence of the Governor, to proceed within thirty days after the election, and sooner if the returns be all received, to canvass the votes given for each measure; and the Governor shall forthwith issue his proclamation, giving the whole number of votes cast in the State for and against each measure and question, and declaring such measures as are approved by majority of those voting thereon to be in full force and effect as the law of the State of Oregon from the date of said proclamation; *provided*, that if two or more measures shall be approved at said election which are known to conflict with each other or to contain conflicting provisions he shall also proclaim which is paramount in accordance with the provisions of Section 3477.

§ 3480. Procedure in Cities and Towns.

In all cities and towns which have not or may not provide by ordinance or charter for the manner of exercising the initiative and referendum powers reserved by the constitution to the people thereof, as to their municipal legislation, the duties required of the Secretary of State by this act, as to State legislation, shall be performed as to such municipal legislation by the city auditor, clerk or recorder, as the case may be; the duties required of the Governor shall be performed by the mayor as to such municipal legislation, and the duties required by this act of the Attorney General shall be performed by the city attorney as to such municipal legislation. The provisions of this act shall apply in every city and town in all matters concerning the operation of the initiative and referendum in its municipal legislation on which such city or town has not made or does not make conflicting provisions. The printing and binding of measures and arguments in municipal legislation shall be paid for by the city in like manner as payment is provided for by the State as to State legislation by Section 3478, and said printing shall be done in the same manner that other municipal printing is done; distribution of said pamphlets shall be made to every voter in the city, so far as possible, by the city clerk, auditor, or recorder, as the case may be, either by mail or carrier, not less than eight days before the election at which the measures are to be voted upon. Arguments supporting municipal measures shall be filed with the city clerk, auditor, or recorder, not less than thirty days before the election at which they are to be voted upon; opposing arguments shall be filed not

less than twenty days before said election. It is intended to make the procedure in municipal legislation as nearly as practicable the same as the initiative and referendum procedure for measures relating to the people of the State at large.

§ 3481. Signatures Required on Referendum—When City Registration to Take Effect.

Referendum petitions against any ordinance, franchise, or resolution passed by a city council shall be signed by not less than ten per cent of the voters of said city, and said signatures shall be verified in the manner herein provided; the petition shall be filed with the city clerk, auditor, or recorder, as the case may be, within thirty days after the passage of such ordinance, resolutions or franchise. No city ordinance, resolution, or franchise shall take effect and become operative until thirty days after its passage by the council and approved by the mayor, unless the same shall be passed over his veto, and in that case it shall not take effect and become operative until thirty days after such final passage, except measures necessary for the immediate preservation of the peace, health or safety of the city; and no such emergency measure shall become immediately operative unless it shall state in a separate section the reasons why it is necessary that it should become immediately operative, and shall be approved by the affirmative vote of three-fourths of all the members elected to the city council, taken by ayes and noes, and also approved by the mayor.

§ 3482. Initiative Measures in Cities.

If any ordinance, charter or amendment to the charter of any city shall be proposed by initiative petition, said petition shall be filed with the city clerk, auditor, or recorder, as the case may be, and he shall transmit it to the next session of the city council. The council shall either ordain or reject the same, as proposed, within thirty days thereafter, and if the council shall reject said proposed ordinance or amendment, or shall take no action thereon, then the city clerk, auditor or recorder, as the case may be, shall submit the same to the voters of the city or town at the next ensuing election held therein not less than ninety days after the same was first presented to the city council. The council may ordain said ordinance or amendment and refer it to the people, or it may ordain such ordinance without referring it to the people, and in that case it shall be subject to referendum petition in like manner as other ordinances; if the council shall reject said ordinance or amendment, or take no action thereon, it may ordain a competing ordinance or amendment, which shall be submitted by the city clerk,

auditor or recorder, as the case may be, to the people of the said city or town, at the same election at which said initiative proposal is submitted. Such competing ordinance or amendment, if any, shall be prepared by the council and ordained within thirty days allowed for its action on the measure proposed by initiative petition. The mayor shall not have power to veto either of such measures. If conflicting ordinances or charter amendments shall be submitted to the people at the same election, and two or more of such conflicting measures shall be approved by the people, then the measure which shall have received the greatest number of affirmative votes shall be paramount in all particulars as to which there is conflict, even though such measure may not have received the greatest majority. Amendments to any city charter may be proposed and submitted to the people by the city council, with or without an initiative petition, but the same shall be filed with the city clerk for submission not less than sixty days before the election at which they are to be voted upon, and no amendment of a city charter shall be effective until it is approved by a majority of the votes cast thereon by the people of the city or town to which it applies. The city council may by ordinance order special elections to vote on municipal measures.

§ 3483. Qualifications of Signers of Petitions—Penalties.

Every person who is a qualified elector of the State of Oregon may sign a petition for the referendum or for the initiative for any measure which he is legally entitled to vote upon. Any person signing any name other than his own to any petition, or knowingly signing his name more than once for the same measure at one election, or who is not at the time of signing the same a legal voter of this State, or any officer or person willfully violating any provision of this statute, shall, upon conviction thereof, be punished by a fine not exceeding \$500, or by imprisonment in the penitentiary not exceeding two years, or by both such fine and imprisonment, in the discretion of the court before which such conviction shall be had.

§ 3484. Referendum on Laws Affecting County or District.

That any law enacted by the legislative assembly, relating only to any county or district in the State of Oregon, other than municipal corporations, may be referred to the people of such county or district for their approval or rejection in the same manner as now or hereafter provided by law for the reference of general laws to the people of the entire State,

excepting that when any law relates only to one county the county clerk shall be substituted for the Secretary of State, the district attorney for the Attorney General, and the county judge for the Governor. When any law affects any district consisting of more than one county, it shall be referred in the manner provided for the reference of acts affecting the entire State, except that the petition therefor shall be signed only by the voters of such district, and in both counties and districts the percentage shall be computed on the vote at the preceding election in such county or district for Supreme Judge.

§ 3485. Secretary of State to Be Notified and Result Certified to Him.

When any petition for the referendum is filed with any county clerk, he shall notify the Secretary of State, by registered letter, of that fact, and when the election thereon has been held, and the vote thereon canvassed, he shall certify the result to the Secretary of State in like manner.

CORRUPT PRACTICES ACT.

§ 3486. Expenditures of Candidates Limited.

No sums of money shall be paid, and no expenses authorized or incurred by or on behalf of any candidate to be paid by him, except such as he may pay to the State for printing, as herein provided, in his campaign for nomination to any public office or position in this State, in excess of fifteen per cent of one year's compensation or salary of the office for which he is a candidate; *provided*, that no candidate shall be restricted to less than one hundred dollars in his campaign for such nomination. No sums of money shall be paid, and no expenses authorized or incurred contrary to the provisions of this act for or on behalf of any candidate for nomination. For the purposes of this law the contribution, expenditure, or liability of a descendant, ascendant, brother, sister, uncle, aunt, nephew, niece, wife, partner, employer, employee, or fellow official or fellow employee of a corporation shall be deemed to be that of the candidate himself.

§ 3487. Candidates and Opponents May File Arguments, Etc.

Any candidate, and unless he notifies the Secretary of State that he refuses them permission, the friends of any candidate for nomination to any state or district office, when the district is composed of one or more counties, may file with the Secretary of State, for publication as herein provided, not later than the thirty-third day before the biennial primary nominating election, with his portrait cut if he wishes, a printed or

typewritten statement or statements, on the conditions hereinafter set forth, over his or their signatures, stating the reasons why he should be nominated; *provided*, that no candidate, nor his friends, shall be allowed to file any such statements, unless his petition for nomination is duly filed with the Secretary of State, not later than the forty-first day before said nominating election. Any person or persons opposing the nomination of any such candidate may, not later than the thirty-ninth day, before said nominating election, file with the Secretary of State their printed or typewritten statements over their signatures, of the reasons why such candidate should not be nominated, but every such statement shall be accompanied by proof, by affidavit or sheriff's return, that they have caused to be served personally and in person, upon such candidate a true copy of such statement. Each candidate shall be allowed one page of printed matter and those opposing him shall each be allowed one page of space on equal terms with him as hereinafter provided. Nothing in this law shall be deemed to make any such statement or the authors thereof free or exempt from any civil or criminal action or penalty, because of any false, slanderous or libelous statements offered for printing or contained in said pamphlet. The person or persons procuring, making, composing or offering such statement for filing, shall be deemed the authors and publishers thereof.

§ 3488. Payment for Space in Publication.

Candidates for nomination shall pay for one page of space in the publication herein provided for as follows: For the office of United States Senator in Congress, one hundred dollars; for Representative in Congress, one hundred dollars; for Justice of the Supreme Court, seventy-five dollars; for Governor, one hundred dollars; for Secretary of State, one hundred dollars; for State Treasurer, one hundred dollars; for State Printer, one hundred dollars; for State Superintendent of Public Instruction and Attorney General, each seventy-five dollars; for Commissioner of Labor Statistics and Inspector of Factories and Work Shops, fifty dollars; for Senator or Representative in the Legislative Assembly, ten dollars; for circuit judge and district attorney, fifty dollars each; for candidates for any other office for a district consisting of one or more counties, or state office, twenty-five dollars. Any candidate may have additional space at the rate of one hundred dollars per page, but no payment shall be received for less than a full page; *provided*, that not more than three additional pages shall be allowed to any one candidate. All payments required

by this section shall be made to the Secretary of State when the statement is offered to him for filing, and be by him paid into the general fund in the state treasury.

§ 3489. Statements, Etc., to Be Printed, Bound, and Distributed.

Not later than the thirtieth day before the primary nominating election, the Secretary of State shall hand to the State Printer all of such statements and portrait cuts, properly compiled, edited, prepared and indexed for printing; it shall be the State Printer's duty to print and bind the same in pamphlet form, printing the pictures of candidates with and as a part of their several statements, where such portrait cuts are offered; statements of those who directly oppose any candidate shall follow next after his statement. All of the statements filed for and against all the candidates for nomination to each office shall be printed in the order in which candidates' names are grouped under the title to their offices on the official ballot at the nominating election. In preparing said pamphlets for printing, the Secretary of State shall compile the copy for the same in such form as to make it most convenient for the State Printer to print and bind under one cover, separately for each political party, the statements only of candidates to be voted for by members of that party for nomination in the same electoral district or division; that is to say, the statements and arguments of all candidates seeking Republican votes in Multnomah County for nomination by the Republican party to state and district offices, for a district comprising one county or more, shall be printed and bound under one cover, and the same with the Democratic and any other party required to nominate its candidates at said nominating election. The same method shall be applied in printing the pamphlets for all other counties and districts, but no picture, statement or argument for or against any candidate for nomination shall be included in the copy of said pamphlet going to any county where such candidate is not to be voted for. The State Printer shall begin the delivery of said pamphlets to the Secretary of State as quickly as possible, and not later than the twentieth day before the nominating election, and complete the same not later than the fifteenth day before said nominating election, printing and delivering first so far as practicable, the pamphlets for the counties in the order of their distance from the State Capital. At the time of delivering the copy to the State Printer, the Secretary of State shall order the number of copies he estimates will be necessary for each county.

§ 3490. Mailing of Pamphlets to Voters.

The several county clerks shall obtain the postoffice address of each voter who registers and on the seventeenth day preceding the nominating election said county clerks shall mail to the Secretary of State the name, postoffice address, and party registration of every voter registered at that time in their respective counties; immediately on the close of registration for such nominating election, and again at the close of registration for the general election, they shall deliver to the Secretary of State the postoffice address and party registration of every voter who registers during the said interval. At least eight days before the regular biennial primary nominating election, the Secretary of State shall forward by mail to every voter who is registered as a member of one of the several political parties required to nominate their candidate at such nominating election, a copy of the pamphlet of his political party, containing the names and statements herein provided for. The pages of the pamphlets required by this act shall be six by nine inches in size, and the printed matter therein shall be set in eight-point roman-faced type, single leaded, and twenty-five ems pica in width, with proper heads. In the foot margin of every page of the party pamphlets for nominating election shall be shown the authority for the information therein, as "This information furnished by (name of candidate or name of his friends or opponents)," as the case may be. In the foot margin of every page of the pamphlet herein provided for the general election shall be shown the authority for the statements thereof, as "This information furnished by (title of committee or managing agent of the political party or name of the independent candidate)," as the case may be.

(e) The committee or organization which shall file a petition to place the name of any person on the nominating ballot of their political party to be voted for by its members for expression of their choice for nomination as the candidate of such party for president or vice president of the United States, shall have the right, upon payment therefor, to four pages of printed space in the campaign books of such political party provided for by sections 3489 and 3490 of the law proposed by initiative petition and enacted by the people of Oregon at the general election in June, 1908, entitled, "A bill to propose by initiative petition a law to limit candidates' election expenses; to define, prevent and punish corrupt and illegal practices in nominations and elections; to secure and protect the purity of the ballot; to amend section 3317; to provide for furnishing information to the electors and to provide the manner of conducting contests for nominations and elections in cer-

tain cases," as printed on pages 15 to 38 of the General Laws of Oregon for the year 1909. In this space said committee shall set forth their statement of the reasons why such person should be voted for and chosen by the members of their party in Oregon and in the nation as its candidate. Any qualified elector of any such political party who favors or opposes the nomination of any person by his own political party as its candidate for president or vice president of the United States, may have not exceeding four pages of space in his aforesaid party nominating campaign book, at a cost of one hundred dollars per printed page, to set forth his reasons therefor.— [(e) Laws 1911, chapter 5.]

§ 3491. When Party Committees to File Statements.

Not later than the thirtieth day before the regular biennial general election the state executive committee or managing officers of any political party or organization having nominated candidates, but no others except independent candidates, may file with the Secretary of State portrait cuts of its candidates and typewritten statements and arguments for the success of its principles and the election of its candidates, and opposing or attacking the principles and candidates of all other parties. Not later than the twenty-eighth day before said general election the Secretary of State shall deliver to the State Printer properly compiled and prepared for printing, the said portrait cuts, statements and arguments, with an order for the number of pamphlet copies of the same necessary to supply one, at least, complete as to the candidates to be voted for in any county for which the same may be designed, for every registered voter within the State of Oregon. The State Printer shall begin delivering said pamphlets to the Secretary of State as soon as possible, and shall complete the same within twelve days. The Secretary of State shall begin mailing the pamphlets to the voters of the State as soon as they are delivered to him, and shall complete the mailing on or before the tenth day before said general election.

§ 3492. Further of Pamphlets—Payment to State.

All the portrait cuts, statements and arguments of all the political parties and independent candidates shall be bound together in one pamphlet, and no party shall have more than twenty-four pages, nor an independent candidate more than two pages therein. The political parties and independents shall pay to the Secretary of State for the public treasury for said pamphlet at the time of filing their copy with him, at the rate of fifty dollars for each printed page of space in said

pamphlet used by such party or independent candidate. The provisions of the preceding sections requiring estimates of the number of pamphlets for each county, limitations on the candidates' names, statements and pictures to be included in the pamphlets going to each county, and the manner of distribution, shall apply in like manner to the pamphlets herein provided for the general election.

(f) Every person regularly nominated by a political party, recognized as such by the laws of Oregon, for president or vice president of the United States, or for any office to be voted for by the electors of the State at large, or for senator or representative in Congress shall be entitled to use four pages of printed space in the State campaign book provided for by sections 3491 and 3492 of the above entitled "Law to limit candidates' election expenses; to define, prevent and punish corrupt and illegal practices in nominations and elections; to secure and protect the purity of the ballot; to amend section 3317; to provide for furnishing information to the electors and to provide the manner of conducting contests for nominations and elections in certain cases," as printed on pages 15 to 38 of the volume of the General Laws of Oregon for 1909. In this space, the candidate, or his supporters with his written permission filed with the Secretary of State, may set forth the reasons why he should be elected. No charge shall be made against candidates for president and vice president of the United States for this printed space. The other candidates above named shall pay at the rate of one hundred dollars per printed page for said space, and said payment shall not be counted as a part of the ten per cent of one year's salary that each candidate is allowed to spend for campaign purposes. If this bill shall be approved by the people the title of the bill shall stand as the title of the law. [(f) Laws 1911, chapter 5.]

§ 3493. Expenditures by Nominees and Parties Limited.

No sums of money shall be paid and no expenses authorized or incurred by or on behalf of any candidate who has received the nomination to any public office or position in this State, except such as he may contribute towards payment for his political party's or independent statement in the pamphlet herein provided for, to be paid by him in his campaign for election, in excess of ten per cent of one year's salary or compensation of the office for which he is nominated; *provided*, that no candidate shall be restricted to less than one hundred dollars. No sum of money shall be paid and no expenses authorized or incurred by or on behalf of any political party or organization to promote the success of the principles or candidates of such party or organization, contrary to the

provisions of this act. For the purposes of this act the contribution, expenditure or liability of a descendant, ascendant, brother, sister, uncle, aunt, nephew, niece, wife, partner, employer, employee or fellow official or fellow employee of a corporation shall be deemed to be that of the candidate himself.

§ 3494. Candidates' Statements, Etc., in Cities.

In cities of more than ten thousand population, any candidate for nomination or election to any elective municipal office may file with the city clerk, auditor or recorder, not later than the fifteenth day before the municipal primary nominating election, a statement of the reasons why he should be nominated and elected, and protrait cut if he desires, on the conditions hereinafter set forth. Such candidate shall pay for the services herein provided at the rate of twenty dollars for each printed page of space; no payment shall be received for less than a full page. All payments made under this section shall be made to the city clerk, auditor or recorder at the time the statement is offered to him for filing, and shall be by him paid into the general fund in the city treasury. The city clerk, auditor or recorder shall properly compile, edit, prepare and index said statements and arguments for printing, and if there shall be any municipal measures to be voted upon at the ensuing municipal election he may bind in with said pamphlet a copy of each and of the arguments submitted thereon in like manner as the Secretary of State is required to do in State elections, and shall cause the same to be printed in the same manner that other city printing is done, and have them all bound under one cover; and he shall, at least eight days before the regular nominating election, forward a copy of said pamphlet with postage fully prepaid, to each voter in the city whose postoffice address he may have or can obtain from the city directory, registration books or otherwise. The provisions of this section shall not apply to cities of less than ten thousand inhabitants, as shown by the census next preceding such municipal election. The provisions of the preceding sections for statements opposing candidates shall apply also to municipal elections, under this section, subject to the same rules of filing, payments, etc., required of candidates' statements by this section.

§ 3495. Definition of Terms.

Terms used in this act shall be construed as follows, unless other meaning is clearly apparent from the language or context, or unless such construction is inconsistent with the manifest intent of the law:

"Persons" shall apply to any individual, male or female, and, where consistent with collective capacity, to any committee, firm, partnership, club, organization, association, corporation, or other combination of individuals.

"Candidate" shall apply to any person whose name is printed on an official ballot for public office, or whose name is expected to be or has been presented for public office, with his consent, for nomination or election.

"Political agent" shall apply to any person who, upon request or under agreement, receives or disburses money in behalf of a candidate.

"Political committee" shall apply to every combination of two or more persons who shall aid or promote the success or defeat of a candidate, or a political party or principle, and the provisions of law relating thereto shall apply to any firm or partnership, to any corporation, and to any club, organization, association, or other combination of persons, whether incorporated or not, with similar purposes, whether primary or incidental.

"Public office" shall apply to any national, state, county or city office to which a salary attaches and which is filled by the voters, as well as to the office of presidential elector, United States Senator, or presiding officer of either branch of the Legislature.

"Give," "provide," "expend," "contribute," "receive," "ask," "solicit," and like terms, with their corresponding nouns, shall apply to money, its equivalent, or any other valuable thing, shall include the promise, advance, deposit, borrowing, or loan thereof, and shall cover all or any part of a transaction, whether it be made directly or indirectly.

None of the provisions of this act shall be construed as relating to the rendering of services by speakers, writers, publishers, or others, for which no compensation is asked or given; nor to prohibit expenditure by committees of political parties or organizations for public speakers, music, halls, lights, literature, advertising, office rent, printing, postage, clerk hire, challengers or watchers at the polls, traveling expenses, telegraphing, telephoning, or the making of poll lists.

§ 3496. Candidates to File Itemized Sworn Statement of Expenditures.

Every candidate for nomination or election to public office, including candidates for the office of Senator of the United States, shall within fifteen days after the election at which he was a candidate, file with the Secretary of State, if a candidate for Senator of the United States, Representative in Congress, or for any state or district office in a district composed of one or more counties, or for members of the Legis-

lative Assembly from a district composed of more than one county, but with the county clerk for legislative districts composed of not more than one county, and for county and precinct offices, and with the town clerk, auditor or recorder, of the town or city in which he resides if he was a candidate for a town, city or ward office, an itemized sworn statement setting forth in detail all the moneys contributed, expended or promised by him to aid and promote his nomination or election, or both, as the case may be, and for the election of his party candidates, and all existing unfulfilled promises of every character and all liabilities remaining uncanceled and in force at the time such statement is made, whether such expenditures, promises and liabilities were made or incurred before, during or after such election. If no money or other valuable thing was given, paid, expended, contributed, or promised, and no unfulfilled liabilities were incurred by a candidate for public office to aid or promote his nomination or election, or the election of his party candidates, he shall file a statement to that effect within fifteen days after the election at which he was a candidate. Any candidate who shall fail to file such a statement shall be fined twenty-five dollars for every day on which he was in default, unless he shall be excused by the court. Fifteen days after any such election the Secretary of State, or county clerk, town clerk, auditor or recorder, as the case may be, shall notify the district attorney of any failure to file such a statement on the part of any candidate, and within ten days thereafter such prosecuting officer shall proceed to prosecute said candidate for such offense.

§ 3497. Accounts to Be Kept by Committees and Others.

Every political committee shall have a treasurer, who is a voter, and shall cause him to keep detailed accounts of all its receipts, payments and liabilities. Similar accounts shall be kept by every person, who in the aggregate receives or expends money or incurs liabilities to the amount of more than fifty dollars for political purposes and by every political agent and candidate. Such accounts shall cover all transactions in any way affecting or connected with the political canvass, campaign, nomination or election concerned. Every person receiving or expending money or incurring liability by authority or in behalf of or to promote the success or defeat of such committee, agent, candidate or other person or political party or organization, shall, on demand, and in any event within fourteen days after such receipt, expenditure or inurrence of liability, give such treasurer, agent, candidate or other person on whose behalf such expense or liability was incurred detailed account thereof, with proper vouchers. Every

payment, except payments less in the aggregate than five dollars to any person, shall be vouched for by a receipted bill stating the particulars of expense. Every voucher, receipt and account hereby required shall be a part of the accounts and files of such treasurer, agent, candidate or other person, and shall be preserved by the public officer with whom it shall be filed for six months after the election to which it refers. Any person not a candidate for any office or nomination who expends money or value to an amount greater than fifty dollars in any campaign for nomination or election, to aid in the election or defeat of any candidate or candidates, or party ticket, or measure before the people, shall within ten days after the election in which said money or value was expended, file with the Secretary of State in the case of a measure voted upon by the people, or of state or district offices for districts composed of one or more counties, or with the county clerk for county offices, and with the city clerk, auditor or recorder for municipal offices, an itemized statement of such receipts and expenditures and vouchers for every sum paid in excess of five dollars, and shall at the same time deliver to the candidate or treasurer of the political organization whose success or defeat he has sought to promote, a duplicate of such statement and a copy of such vouchers. The books of account of every treasurer of any political party, committee or organization, during an election campaign, shall be open at all reasonable office hours to the inspection of the treasurer and chairman of any opposing political party or organization for the same electoral district; and his right of inspection may be enforced by writ of mandamus, by any court of competent jurisdiction.

§ 3498. Copies of Act to Be Transmitted to Persons Interested.

The Secretary of State shall, at the expense of the State, furnish to the county clerk, and to the city and town clerks, auditors and recorders, copies of this act as a part of the election laws. In the filing of a nomination petition or certificate of nomination, the Secretary of State, in the case of State and district offices for districts composed of one or more counties, and county clerks for county offices, and the city and town clerks, auditors or recorders for municipal offices, shall transmit to the several candidates, and to the treasurers of political committees, and to political agents, as far as they may be known to such officer, copies of this act, and also to any other person required to file a statement such copies shall be furnished upon application therefor. Upon his own information, or at the written request of any voter, said Secretary of State shall transmit to any other person believed by him or averred to be a candidate, or who may otherwise be required to make a statement, a copy of this act.

§ 3499. Persons Failing to Make Statement to Be Notified.

The several officers with whom statements are required to be filed shall inspect all statements of accounts and expenses relating to nominations and elections filed with them within ten days after the same are filed; and if upon examination of the official ballot it appears that any person has failed to file a statement as required by law, or if it appears to any such officer that the statement filed with him does not conform to law, or upon complaint in writing by a candidate or by a voter that a statement filed does not conform to law or to the truth, or that any person has failed to file a statement which he is by law required to file, said officer shall forthwith in writing notify the delinquent person. Every such complaint filed by a citizen or candidate shall state in detail the grounds of objection, shall be sworn to by the complainant, and shall be filed with the officer within sixty days after the filing of the statement or amended statement. Upon the written request of a candidate or any voter, filed within sixteen days after any convention, primary or nominating election, said Secretary of State, county clerk, city or town clerk, auditor or recorder, as the case may be, shall demand from any specified person or candidate a statement of all his receipts, and from whom received, disbursements and liabilities in connection with or in any way relating to the nomination or election concerned, whether it is an office to which a salary or compensation is attached or not, and said person shall thereupon be required to file such statement and to comply with all the provisions relating to statements herein contained. Whoever makes a statement required by this act shall make oath attached thereto that it is in all respects correct, complete, and true, to the best of his knowledge and belief, and said verification shall be substantially the form herein provided.

§ 3500. District Attorney to Be Notified of Failure to File Statement or Defect Therein.

Upon the failure of any person to file a statement within ten days after receiving notice under the preceding section, or if any statement filed as above discloses any violation of any provision of this act relating to corrupt practices in elections, or in any other provision of the election laws, the Secretary of State, the county clerk, or the city clerk, auditor or recorder, as the case may be, shall forthwith notify the district attorney of the district where said violation occurred and shall furnish him with copies of all papers relating thereto, and said district attorney shall within sixty days thereafter examine every such case, and if the evidence seems

to him to be sufficient under the provisions of this act he shall in the name of the State forthwith institute such civil or criminal proceedings as may be appropriate to the facts.

§ 3501. Courts May Compel Filing of Statement or Application.

The circuit court of the county in which any statement of accounts and expenses relating to nominations and elections should be filed, unless herein otherwise provided, shall have exclusive original jurisdiction of all violations of this act, and may compel any person who fails to file such a statement as required by this act, or who files a statement which does not conform to the provisions of this act in respect to its truth, sufficiency in detail or otherwise, to file a sufficient statement, upon the application of the Attorney-General or of the district attorney, or the petition of a candidate or of any voter. Such petition shall be filed in the circuit court within sixty days after such election if the statement was filed within the fifteen days required, but such a petition may be filed within thirty days after any payment not included in the statement so filed.

§ 3502. Statements to Be Preserved and Published.

All statements shall be preserved for six months after the election to which they relate, shall be public records subject to public inspection, and it shall be the duty of the officers having custody of the same to give certified copies thereof in like manner as of other public records. The totals of each statement, filed with him, with the name of the person or candidate filing it, shall be published in the next annual report of the Secretary of State, the county clerk or the city clerk, auditor or recorder, as the case may be.

§ 3503. Payments Not to Be Made in False Name.

No person shall make a payment of his own money or of another person's money to any other person in connection with a nomination or election in any other name than that of the person who in truth supplies such money; nor shall any person knowingly receive such payment or enter or cause the same to be entered in his accounts or records in another name than that of the person by whom it was actually furnished; *provided*, if the money be received from the treasurer of any political organization it shall be sufficient to enter the same as received from said treasurer.

§ 3504. Candidates Not to Promise Appointments.

No person shall, in order to aid or promote his nomination or election, directly or indirectly, himself or through

any other person, promise to appoint another person, or promise to secure or aid in securing the appointment, nomination or election of another person to any public or private position or employment, or to any position of honor, trust or emolument, except that he may publicly announce or define what is his choice or purpose in relation to any election in which he may be called to take part, if elected, and if he is a candidate for nomination or election as a member of the Legislative Assembly he may pledge himself to vote for the people's choice for United States Senator, or state what his action will be on such vote.

§ 3505. Holders of Non-Elective Positions Not to Contribute.

No holder of a public position or office other than an office filled by the voters, shall pay or contribute to aid or promote the nomination or election of any other person to public office. No person shall invite, demand or accept payment or contribution from such holder of a public position or office for campaign purposes.

§ 3506. Non-Elective Officers Not to Be Delegates.

No holder of a public position other than an office filled by the voters shall be a delegate to a convention for the election district that elects the officer or board under whom he directly or indirectly holds such position, nor shall he be a member of a political committee for such district.

§ 3507. Election Credentials Not to Be Sold.

No person shall invite, offer or effect the transfer of any convention credential in return for any payment of money or other valuable thing.

§ 3508. Persons Not to Be Paid to Be or Not to Be Candidates.

No person shall pay, or promise to reward another in any manner or form for the purpose of inducing him to be or refrain from or cease being a candidate, and no person shall solicit any payment, promise or reward from another for such purpose.

§ 3509. Candidates and Officers Not to Be Solicited for Subscriptions, Etc.

No person shall demand, solicit, ask or invite any payment or contribution for any religious, political, charitable or other cause or organization supposed to be primarily or principally for the public good, from a person who seeks to be or has been nominated or elected to any office; and no such

candidate or elected person shall make any such payment or contribution if it shall be demanded or asked during the time he is a candidate for nomination or election to or an incumbent of any office. No payment or contribution for any purpose shall be made a condition precedent to the putting of a name on any caucus or convention ballot or nomination paper or petition, or to the performance of any duty imposed by law on a political committee. No person shall demand, solicit, ask, or invite any candidate to subscribe to the support of any club or organization, to buy tickets to any entertainment or ball, or to subscribe for or pay for space in any book, program, periodical or other publication; if any candidate shall make any such payment or contribution with apparent hope or intent to influence the result of the election, he shall be guilty of a corrupt practice; but this section shall not apply to the soliciting of any business advertisement for insertion in a periodical in which such candidate was regularly advertising prior to his candidacy nor to ordinary business advertising nor to his regular payment to any organization, religious, charitable or otherwise of which he may have been a member, or to which he may have been a contributor, for more than six months before his candidacy nor to ordinary contributions at church services.

§ 3510. Certain Corporations Not to Contribute.

No corporation, and no person trustee, or trustees owning or holding the majority of the stock of a corporation, carrying on the business of a bank, savings bank, co-operative bank, trust, trustee, surety, indemnity, safe deposit, insurance, railroad, street railway, telegraph, telephone, gas, electric light, heat, power, canal, aqueduct, water, cemetery, or crematory company, or any company having the right to take or condemn land or to exercise franchises in public ways granted by the State or by any county, city or town, shall pay or contribute in order to aid, promote or prevent the nomination or election of any person, or in order to aid or promote the interests, success or defeat of any political party or organization. No person shall solicit or receive such payment or contribution from such corporation or such holders of a majority of such stock.

§ 3511. Treating Defined and Prohibited.

Any person or candidate who shall either by himself or by any other person, either before or after an election, or while such person or candidate is seeking a nomination or election, directly or indirectly, give or provide, or pay, wholly or in part, the expenses of giving or providing any meat or drink or other entertainment or provision, clothing,

liquors, cigars or tobacco, to or for any person for the purpose of or with intent or hope to influence that person or any other person to give or refrain from giving his vote at such election to or for any candidate or political party ticket, or measure before the people, or on account of such person or any other person having voted or refrained from voting for any candidate or the candidates of any political party or organization or measure before the people, or being about to vote or refrain from voting at such election, shall be guilty of treating. Every elector who accepts or takes any such meat, drink, entertainment, provision, clothing, liquor, cigars, or tobacco, shall also be guilty of treating; and such acceptance shall be a ground of challenge to his vote and of rejecting his vote on a contest.

§ 3512. Coercion and Undue Influence Prohibited.

Every person who shall directly or indirectly, by himself or any other person in his behalf, make use of or threaten to make use of any force, coercion, violence, restraint, or undue influence, or inflict or threaten to inflict, by himself or any other person, any temporal or spiritual injury, damage, harm, or loss upon or against any person in order to induce or compel such person to vote or refrain from voting for any candidate or the ticket of any political party, or any measure before the people, or any person who, being a minister, preacher, or priest, or any officer of any church, religious or other corporation or organization, otherwise than by public speech or print, shall urge, persuade or command any voter to vote or refrain from voting for or against any candidate or political party ticket or measure submitted to the people, for or on account of his religious duty, or the interest of any corporation, church or other organization, or who shall by abduction, duress or any fraudulent contrivance, impede or prevent the free exercise of the franchise by any voter at any election, or shall thereby compel, induce or prevail upon any elector to give or to refrain from giving his vote at any election, shall be guilty of undue influence, and shall be punished as for a corrupt practice.

§ 3513. Betting by Candidates or Others to Influence Election Prohibited.

Any candidate who, before or during any election campaign, makes any bet or wager of anything of pecuniary value, or in any manner becomes a party to any such bet or wager on the result of the election in his electoral district, in any part thereof, or on any event or contingency relating to any pending election, or who provides money or other valuable to be used by any person in betting or wager-

ing upon the results of any impending election, shall be guilty of a corrupt practice. Any person who, for the purpose of influencing the result of any election, makes any bet or wager of anything of pecuniary value on the result of such election in his electoral district or any part thereof, or of any pending election, or on any event or contingency relating thereto, shall be guilty of a corrupt practice, and in addition thereto any such act shall be a ground of challenge against his right to vote.

§ 3514. Personation Defined and Prohibited.

Any person shall be deemed to be guilty of the offense of personation who, at any election, applies for a ballot in the name of some other person, whether it be that of a person living or dead, or of a fictitious person, or who having voted once at an election applies at the same election for a ballot in his own name; and on conviction thereof such person shall be punished by imprisonment in the penitentiary at hard labor for not less than one nor more than three years.

§ 3515. Corrupt Practices Defined—When Deemed Prevalent.

Any person shall be guilty of a corrupt practice within the meaning of this act if he expends any money for election purposes contrary to the provisions of any statute of this State, or if he is guilty of treating, undue influence, personation, the giving or promising to give, or offer of any money or valuable thing to any elector with intent to induce such elector to vote for or to refrain from voting for any candidate for public office, or the ticket of any political party or organization, or any measure submitted to the people, at any election, or to register or refrain from registering as a voter at any state, district, county, city, town, village or school district election for public offices or on public measures. Such corrupt practice shall be deemed to be prevalent when instances thereof occur in different election districts similar in character and sufficient in number to convince the court before which any case involving the same may be tried that they were general and common, or were pursuant to a general scheme or plan.

§ 3516. Certain Payments Prohibited—Political Badges, Etc., Prohibited at Polls.

It shall be unlawful for any person to pay another for any loss or damage due to attendance at the polls, or in registering, or for the expense of transportation to or from the polls. No person shall pay for personal service to be performed on the day of a caucus, primary, convention, or

any election, for any purpose connected therewith, tending in any way, directly or indirectly, to affect the result thereof, except for the hiring of persons whose sole duty is to act as challengers and watch the count of official ballots. No person shall buy, sell, give or provide any political badge, button or other insignia to be worn at or about the polls on the day of any election, and no such political badge, button or other insignia shall be worn at or about the polls on any election day.

§ 3517. Paid Matter in Papers Prohibited Unless Marked.

No publisher of a newspaper or other periodical shall insert, either in its advertising or reading columns, any paid matter which is designed or tends to aid, injure or defeat any candidate or political party or organization, or measure before the people, unless it is stated therein that it is a paid advertisement, the name of the chairman or secretary, or the names of the other officers of the political or other organization inserting the same, or the name of some voter who is responsible therefor, with his residence and the street and number thereof, if any, appear in such advertisement in the nature of a signature. No person shall pay the owner, editor, publisher or agent of any newspaper or other periodical to induce him to editorially advocate or oppose any candidate for nomination or election, and no such owner, editor, publisher or agent shall accept such payment. Any person who shall violate any of the provisions of this section shall be punished as for a corrupt practice.

§ 3518. Electioneering on Election Day Prohibited.

It shall be unlawful for any person at any place on the day of any election to ask, solicit, or in any manner try to induce or persuade any voter on such election day to vote for or refrain from voting for any candidate, or the candidates or ticket of any political party or organization, or any measure submitted to the people, and upon conviction thereof he shall be punished by fine of not less than five dollars nor more than one hundred dollars for the first offense, and for the second and each subsequent offense occurring on the same or different election days, he shall be punished by fine as aforesaid, or by imprisonment in the county jail for not less than five nor more than thirty days or by both such fine and imprisonment.

§ 3519. Anonymous and Libelous Publications Prohibited—Defense.

It shall be unlawful to write, print, or circulate through the mails or otherwise any letter, circular, bill, placard or poster relating to any election or to any candidate at any

election, unless the same shall bear on its face the name and address of the author, and of the printer and publisher thereof; and any person writing, printing, publishing, circulating, posting or causing to be written, printed, circulated, posted or published any such letter, bill, placard, circular or poster as aforesaid, which fails to bear on its face the name and address of the author and of the printer or publisher shall be guilty of an illegal practice, and shall, on conviction thereof, be punished by fine of not less than ten dollars nor more than one thousand dollars. If any letter, circular, poster, bill, publication or placard shall contain any false statement or charges reflecting on any candidate's character, morality or integrity, the author thereof and every person printing or knowingly assisting in the circulation thereof shall be guilty of political criminal libel, and upon conviction thereof shall be punished by imprisonment in the penitentiary for not less than one nor more than three years. If the person charged with such crime shall prove on his trial that he had reasonable ground to believe such charge was true and did believe it was true, and that he was not actuated by malice in making such publication, it shall be a sufficient defense to such charge. But in that event, and as a part of such defense, the author and the printer or publisher or other person charged with such crime shall also prove that, at least fifteen days before such letter, circular, poster, bill or placard containing such false statement or statements was printed or circulated, he or they caused to be served personally and in person upon the candidate to whom it relates a copy thereof in writing, and calling his attention particularly to the charges contained therein, and that, before printing, publishing or circulating such charges, he received and read any denial, defense or explanation, if any, made or offered to him in writing by the accused candidate within ten days after the service of such charge upon the accused person.

§ 3520. Candidates Failing to File Statements Not to Be on Ballots—Vacancies.

The name of a candidate chosen at a primary nominating election or otherwise, shall not be printed on the official ballot for the ensuing election unless there has been filed by or on behalf of said candidate the statements of accounts and expenses relating to nominations required by this act, as well as a statement by his political agent and by his political committee or committees in his behalf, if his statement discloses the existence of such agent, committee or committees. The officer or board entrusted by law with the preparation of the official ballots for any election shall, as far as practicable, warn candidates of the danger of the omission of their

names by reason of this provision, but delay in making any such statement beyond the time prescribed shall not preclude its acceptance or prevent the insertion of the name on the ballot if there is reasonable time therefor after the receipt of such statements. Any such vacancy on the ballot shall be filled by the proper committee of his political party in the manner authorized by law, but not by the use of the name of the candidate who failed to file such statements. No person shall receive a certificate of election until he shall have filed the statements required by this act.

§ 3521. Procuring Persons to Become Candidates; Prevention and Penalty.

It shall be unlawful for any person to accept, receive, or pay money or any valuable consideration for becoming or for refraining from becoming a candidate for nomination or election, or by himself or in combination with any other person or persons to become a candidate for the purpose of defeating the nomination or election of any other person and not with a *bona fide* intent to obtain the office. Upon complaint made to any circuit court, if the judge shall be convinced that any person has sought the nomination or seeks to have his name presented to the voters as a candidate for nomination by any political party for any mercenary or venal consideration or motive, and that his candidacy for the nomination is not in good faith, the judge shall forthwith issue his writ of injunction restraining the officer or officers whose duty it is to prepare the official ballots for such nominating election from placing the name of such person thereon as a candidate for nomination to any office. In addition thereto the court shall direct the district attorney to institute criminal proceedings against such person or persons for corrupt practice, and upon conviction thereof he and any person or persons combining with him shall be punished by a fine of not more than one thousand dollars, or imprisonment in the county jail for not more than one year.

§ 3522. When Offenses Under Act Not to Deprive Candidate of Office.

Where upon the trial of any action or proceeding under the provisions of this act for the contest of the right of any person declared nominated or elected to any office, or to annul or set aside such nomination or election, or to remove a person from his office, it appears from the evidence that the offense complained of was not committed by the candidate, or with his knowledge or consent, or was committed without his sanction or connivance, and that all reasonable means for preventing the commission of such offense at such election were

taken by and on behalf of the candidate, or that the offense or offenses complained of were trivial, unimportant and limited in character, and that in all other respects his participation in the election was free from such offenses or illegal acts, or that any act or omission of the candidate arose from inadvertence or from accidental miscalculation, or from some other reasonable cause of a like nature and in any case did not arise from any want of good faith, and under the circumstances it seems to the court to be unjust that the said candidate shall forfeit his nomination or office or be deprived of any office of which he is the incumbent, then the nomination or election of such candidate shall not by reason of such offense or omission complained of be void, nor shall the candidate be removed from or deprived of his office.

§ 3523. Conviction of Corrupt Practice to Deprive Offender of Office.

If, upon the trial of any action or proceeding under the provisions of this act, for the contesting of the right of any person declared to be nominated to an office, or elected to an office, or to annul and set aside such election, or to remove any person from his office, it shall appear that such person was guilty of any corrupt practice, illegal act, or undue influence in or about such nomination or election, he shall be punished by being deprived of the nomination or office, as the case may be, and the vacancy therein shall be filled in the manner provided by law. The only exception to this judgment shall be that provided in section 3522. Such judgment shall not prevent the candidate or officer from being proceeded against by indictment or criminal information for any such act or acts.

§ 3524. Limitation of Action for Offenses Under Act.

Any action to contest the right of any person declared elected to an office, or to annul and set aside such election, or to remove from or deprive any person of an office of which he is the incumbent, for any offense mentioned in this act, must, unless a different time be stated, be commenced within forty days after the return day of the election at which such offense was committed, unless the ground of the action or proceeding is for the illegal payment of money or other valuable thing subsequent to the filing of the statements prescribed by this act, in which case the action or proceeding may be commenced within forty days after the discovery by the complainant of such illegal payment. A contest of the nomination or office of Governor or Representative or Senator in Congress must be commenced within twenty days after the declaration of the result of the election, but this shall not be construed to apply to any contest before the Legislative Assembly.

§ 3525. Circuit Court Has Jurisdiction.

An application for filing a statement, payment of a claim or correction of an error or false recital in a statement filed, or an action or proceeding to annul and set aside the election of any person declared elected to an office, or to remove or deprive any person of his office for an offense mentioned in this act, or any petition to excuse any person or candidate in accordance with the power of the court to excuse as provided in section 3522, must be made or filed in the circuit court of the county in which the certificate of his nomination as a candidate for the office to which he is declared nominated or elected is filed or in which the incumbent resides.

§ 3526. Deprivation of Office, Bar During Term.

A candidate nominated or elected to an office, and whose nomination or election thereto has been annulled and set aside for any offense mentioned in this act, shall not, during the period fixed by law as the term of such office, be elected or appointed to fill any office or vacancy in any office or position of trust, honor or emolument under the laws of the State of Oregon or of any municipality therein. Any appointment or election to any office or position of trust, honor or emolument made in violation of or contrary to the provisions of this act shall be void.

§ 3527. District Attorney to Prosecute; Penalty for Refusal.

If any district attorney shall be notified by any officer or other person of any violation of any of the provisions of this act within his jurisdiction, it shall be his duty forthwith to diligently inquire into the facts of such violation, and if there is reasonable ground for instituting a prosecution it shall be the duty of such district attorney to file a complaint or information in writing before a court of competent jurisdiction, charging the accused person with such offense; if any district attorney shall fail or refuse to faithfully perform any duty imposed upon him by this act, he shall be deemed guilty of a misdemeanor and upon conviction thereof shall forfeit his office. It shall be the duty of the district attorney, under penalty of forfeiture of his office, to prosecute any and all persons guilty of any violation of the provisions of this act, the penalty of which is fine or imprisonment, or both, or removal from office.

§ 3528. On Contest, Person Having Most Legal Votes Chosen.

If, in any case of a contest on the ground of illegal votes, it appears that another person than the one returned has the

highest number of legal votes, after the illegal votes have been eliminated, the court must declare such person nominated or elected, as the case may be.

§ 3529. Grounds of Contest.

Any elector of the State, or of any political or municipal division thereof, may contest the right of any person to any nomination or office for which such elector has the right to vote, for any of the following causes :

1. On the ground of deliberate, serious and material violation of any of the provisions of this act, or of any other provisions of the law relating to nominations or elections.

2. When the person whose right was contested was not, at the time of the election, eligible to such office.

3. On account of illegal votes, or an erroneous or fraudulent count or canvass of votes.

§ 3530. Contest on Ground of Illegal Votes When Not Authorized.

Nothing in the third ground of contest specified in section 3529 is to be so construed as to authorize a nomination or election to be set aside on account of illegal votes, unless it appear, either that the candidate or nominee whose right is contested had knowledge of, or connived at such illegal votes, or that the number of illegal votes given to the person whose right to the nomination or office is contested, if taken from him would reduce the number of his legal votes below the number of votes given to some other person for the same nomination or office, after deducting therefrom the illegal votes which may be shown to have been given to such other person.

§ 3531. Procedure in Contest on Ground of Illegal Votes.

When the reception of illegal votes is alleged as a cause of contest, it shall be sufficient to state generally that in one or more specified voting precincts, illegal votes were given to the person whose nomination or election is contested, which, if taken from him, will reduce the number of his legal votes below the number of legal votes given to some other person for the same office, but no testimony shall be received of any illegal votes unless the party contesting such election deliver to the opposite party, at least three days before such trial, a written list of the number of illegal votes, and by whom given, which he intends to prove on such trial. This provision shall not prevent the contestant from offering evidence of illegal votes not included in such statement, if he did not know and by reasonable diligence was unable to learn of such additional illegal votes and by whom they were given, before delivering such written list.

§ 3532. Proceeding in Contest Generally.

Any petition contesting the right of any person to a nomination or election shall set forth the name of every person whose election is contested, and the grounds of the contest, and shall not thereafter be amended, except by leave of the court. Before any proceeding thereon the petitioner shall give bond to the State in such sum as the court may order, not exceeding two thousand dollars, with not less than two sureties, who shall justify in the manner required of sureties on bail bonds, conditioned to pay all costs, disbursements and attorney's fees that may be awarded against him if he shall not prevail. If the petitioner prevails, he may recover his costs, disbursements and reasonable attorney's fees against the contestee. But costs, disbursements and attorney's fees, in all such cases, shall be in the discretion of the court, and in case judgment is rendered against the petitioner it shall also be rendered against the sureties on the bond. On the filing of any such petition the clerk shall immediately notify the judge of the court, and issue a citation to the persons whose nomination or office is contested, citing them to appear and answer not less than three nor more than seven days after the date of filing the petition, and the court shall hear said cause, and every such contest shall take precedence over all other business on the court docket and shall be tried and disposed of with all convenient dispatch. The court shall always be deemed in session for the trial of such cases.

§ 3533. Further of Proceedings in Contest.

The petitioner (contestant) and the contestee may appear and produce evidence at the hearing, but no person other than the petitioner and contestee shall be made a party to the proceedings on such petition; and no person other than said parties and their attorneys shall be heard thereon, except by order of the court. If more than one petition is pending, or the election of more than one person is contested, the court may, in its discretion, order the cases to be heard together, and may apportion the costs, disbursements and attorney's fees between them, and shall finally determine all questions of law and fact, save only that the judge may in his discretion empanel a jury to decide on questions of fact. In the case of a contested nomination or election for Senator or Representative in the Legislative Assembly, or for Senator or Representative in Congress, the court shall forthwith certify its findings to the Secretary of State to be by him transmitted to the presiding officer of the body in question. In the case of other nominations or elections, the court shall forthwith certify its decision to the board or official issuing certificates of

nomination or election, which board or official shall thereupon issue certificates of nomination or election to the person or persons entitled thereto by such decision. If judgment of ouster against a defendant shall be rendered, said judgment shall award the nomination or office to the person receiving next the highest number of votes, unless it shall be further determined in the action, upon appropriate pleading and proof by the defendant, that some act has been done or committed which would have been ground in a similar action against such person, had he received the highest number of votes for such nomination or office, for a judgment of ouster against him; and if it shall be so determined at the trial, the nomination or office shall be by the judgment declared vacant, and shall thereupon be filled by a new election, or by appointment, as may be provided by law regarding vacancies in such nomination or office.

§ 3534. Proceeding Against Corporation for Violation of Act.

In like manner as prescribed for the contesting of an election, any corporation organized under the laws of or doing business in the State of Oregon may be brought into court on the ground of deliberate, serious and material violation of the provisions of this act. The petition shall be filed in the circuit court in the county where said corporation has its principal office, or where the violation of law is averred to have been committed. The court, upon conviction of such corporation, may impose a fine of not more than ten thousand dollars, or may declare a forfeiture of the charter and franchises of the corporation if organized under the laws of this State, or if it be a foreign corporation may enjoin said corporation from further transacting business in this State, or by both such fine and forfeiture, or by both such fine and injunction.

§ 3535. Punishment for Violation.

Whoever violates any provision of this act, the punishment for which is not specially provided by law, shall on conviction thereof be punished by imprisonment in the county jail for not more than one year, or by a fine of not more than five thousand dollars, or by both such fine and imprisonment.

§ 3536. Trial and Evidence in Proceedings Under Act.

Proceedings under this act shall be advanced on the docket upon request of either party for a speedy trial, but the court may postpone or continue such trial if the ends of justice may be thereby more effectually secured, and in case of such continuance or postponement the court may impose costs in its discretion as a condition thereof. No petition shall be dismissed without the consent of the district attorney, unless the same

shall be dismissed by the court. No person shall be excused from testifying or producing papers or documents on the ground that his testimony or the production of papers or documents will tend to criminate him; but no admission, evidence or paper made or advanced or produced by such person shall be offered or used against him in any civil or criminal prosecution or any evidence that is the direct result of such evidence or information that he may have so given except in a prosecution for perjury committed in such testimony.

§ 3537. Form of Petition.

A petition or complaint filed under the provisions of this act shall be sufficient if it is substantially in the following form:

IN THE CIRCUIT COURT OF THE STATE OF OREGON.

For the County of.....

A. B., (or A. B. and C. D.) Contestants,

vs.

E. F., Contestee.

The petition of contestant (or contestants) above named alleges:

That an election was held (in the State, district, county or city of), on the.....day of.....A. D. 19..... for the (nomination of a candidate for) (or election of a) (state the office).

That.....and.....were candidates at said election, and the board of canvassers has returned the said..... as being duly nominated (or elected) at said election.

That contestant A. B. voted (or had a right to vote, as the case may be) at said election (or claims to have had a right to be returned as the nominee or other officer elected or nominated at said election, or was a candidate at said election, as the case may be), and said contestant C. D. (here state in like manner the right of each contestant).

And said contestant (or contestants) further allege (here state the facts and grounds on which the contestants rely.)

Wherefore, your contestants pray that it may be determined by the court that said....., was not duly nominated (or elected) and that said election was void (or that the said A. B. or C. D., as the case may be) was duly nominated (or elected) and for such other and further relief as the court may seem just and legal in the premises.

Said complaint shall be verified by the affidavit of one of the petitioners in the manner required by law for the verification of complaints in civil cases.

§ 3538. Form of Statement of Expenses.

The statement of expenses required from candidates and others by this act shall be in substantially the following form:

STATE OF OREGON,

County of..... } ss.

I,, having been a candidate (or expended money) at the election for the (State) (district) (county) (city) of..... on the.....day of.....A. D. 19....., being first duly

sworn, on oath do say: That I have carefully examined and read the return of my election expenses and receipts hereto attached, and to the best of my knowledge and belief that return is full, correct and true.

And I further state on oath that, except as appears from this return, I have not and to the best of my knowledge and belief, no person, nor any club, society or association, has, on my behalf, whether authorized by me or not, made any payment, or given, promised, or offered any reward, office, employment or position, public or private, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said nomination or election.

And I further state on oath, that except as specified in this return I have not paid any money, security, or equivalent for money, nor has any money or equivalent for money to my knowledge or belief been paid, advanced, given or deposited by any one to or in the hands of myself or any other person for my nomination or election for the purpose of paying any expenses incurred on my behalf on account or in respect of the conduct or management of the said election.

And I further state on oath that I will not, except so far as I may be permitted by law, at any future time make or be a party to the making or giving of any payment, reward, office, position or employment, or valuable consideration for the purpose of defraying any such expenses or obligations as herein mentioned for or an account of my nomination or election, or provide or be party to the providing of any money, security or equivalent for money for the purpose of defraying any such expense.

(Signature of affiant.).....

Subscribed and sworn to before me by the above named.....
on the.....day of.....A. D. 19.....

Attached to said affidavit shall be a full and complete account of the receipts, contributions and expenses of said affiant, and of his supporters of which he has knowledge, with numbered vouchers for all sums and payment for which vouchers are required as to all money expended by affiant. The affidavit and account of the treasurer of any committee or any political party or organization shall be as nearly as may be in the same form, and so also shall be the affidavit of any person who has received or expended money in excess of the sum of fifty dollars to aid in securing the nomination or election or defeat of any candidate, or of any political party or organization, or of any measure before the people.

§ 3539. False Oath, Perjury.

Any person who shall knowingly make any false oath or affidavit where an oath or affidavit is required by this law shall be deemed guilty of perjury and punished accordingly.

ELECTIONS—STATE AND COUNTY SCHOOL SUPERINTENDENTS.**OF STATE SUPERINTENDENT.****§ 3944. Election and Salary of Superintendent.**

A superintendent of public instruction shall be elected at the general election of the year 1902, and every four years thereafter, and shall qualify and enter upon the duties of his office on the second Monday in January following this election. He shall receive annually a salary of \$3,000, payable by the State, as the salaries of other State officers are paid.

§ 3960. County Superintendent—Election—Term of Office.

There shall be elected by the legal voters of each county at the biennial election in the year 1900, and every four years thereafter, a county school superintendent, who shall take his office on the first Monday in August following his election. He shall hold his office for four years, and until his successor is chosen and qualified; but the present office of the county superintendent of schools is not affected by this section until the election in the year 1900. No person shall be eligible to the office of county school superintendent who has not, at the time of his election or appointment, taught in the school of the State at least nine school months and who does not hold a first grade county certificate, a State diploma, or a State certificate in Oregon; and no county clerk shall place the name of a candidate for the office of county school superintendent on an official ballot unless said candidate shall furnish proof to such county clerk that said candidate has taught in the State for nine school months and also holds one of the certificates as provided for in this act.

PORTS.**§ 6115. Petition for Incorporation—Boundaries.**

The following shall be substantially the form of petition for the incorporation of ports in counties bordering upon bays or rivers navigable from the sea or containing bays or rivers navigable from the sea:

WARNING.

It is a felony for any one to sign any initiative or referendum petition with any name other than his own or to knowingly sign his name more than once for the measure or to sign such petition when he is not a legal voter.

PETITION FOR THE INCORPORATION OF THE PORT OF....., IN THE COUNTY OF....., STATE OF OREGON.

To the Honorable county court of the State of Oregon for the county of

We, the undersigned citizens and legal voters of the State of Oregon and of the county of..... and residents within the limits of the district in said county hereinafter described, respectfully demand that there shall be submitted to the legal voters of the State of Oregon, county of....., residing within that portion of.....county, State of Oregon, described as beginning [here insert exterior boundaries of district] , at a special election to be called by said county court, the question whether or not that portion of.....county, Oregon, described as beginning [here insert description], shall be incorporated as a municipal corporation to be known as the port of.....[here insert name of proposed corporation], in accordance with the provisions of that certain act of the legislative assembly of the State of Oregon, passed at the regular session in the year 1909, entitled "an act to provide for incorporation under general law of ports in counties bordering upon bays or rivers navigable from the sea, or containing bays or rivers navigable from the sea, and to provide for the manner of incorporating such ports and defining the powers of ports so incorporated," and each for himself says: I have personally signed the petition; I am a legal voter of the State of Oregon, and of the county of, and resident within that portion of said county hereinbefore described. My residence and post-office address are correctly written after my name.

Name, Residence, Postoffice, (If in a city, street and number.)

(Here follow twenty numbered lines for signatures.)

Every such petition and sheets for signatures shall be printed on pages seven inches in width by ten inches in length, with a margin of one and three-fourth inches at the top for binding. Each and every sheet of such petition containing signatures shall be verified on the back thereof in substantially the following form by the person who circulated said sheet by his or her affidavit thereon and as a part thereof:

STATE OF OREGON, } ss.
County of

I,, being first duly sworn, say: [Here shall be legibly written or typewritten the names of the signers of the sheet], signed this sheet and each of them signed his name thereto in my presence; I believe that each has stated his name, postoffice address, and residence correctly, and that each signer is a legal voter of the State of Oregon and county of.....and resident within that portion of said county within the boundaries therein stated.

(Signature and postoffice address of affiant.)

Subscribed and sworn to before me this.....day of....., A. D. 19....

(Signature and title of officer before whom oath is made, and his postoffice address.)

The forms herein given are not mandatory, and if substantially followed it shall be sufficient, disregarding any clerical

and merely technical errors. Where a petition is filed for the incorporation of a port under the provisions of this act, the territorial limits of which do not include such county as a whole, the limits proposed by such petition shall not extend beyond the natural watershed of any drainage basin whose waters flow into another bay, estuary, or river navigable from the sea situate within such county.

§ 6116. Filing Petition — Submission — Ballot Title — Conduct of Election.

The petition for a special election hereinbefore provided shall be filed with the county clerk of the county and shall be presented to the county court of said county on the first day of its next regular session. The county court shall forthwith examine such petition, and if it appear therefrom that such petition contains the names of eight per cent of the legal voters of that portion of such county, within the exterior boundaries of said district, based upon the whole number of votes cast within such district for justice of the supreme court at the general election preceding the filing of such petition, the said county court shall call a special election to be held within such proposed district, to be held not less than forty days nor more than sixty days, as such county court shall determine. At such election there shall be submitted to the legal voters of that portion of said county embraced within the limits described in such petition, whether said portion of said county shall be incorporated as a municipal incorporation to be known as the port of..... [here insert name set forth in petition], in accordance with the provisions of this act. The ballot title to be used at such special election shall read as follows: "Shall that portion of.....county, State of Oregon, described as [here insert description], be incorporated as a municipal corporation to be known as the port of..... [here insert proposed name], in accordance with the provisions of that certain act of the legislative assembly of the State of Oregon, passed at its regular session held in 1909, entitled 'An act to provide for incorporation under general law of ports in counties bordering upon bays or rivers navigable from the sea or containing bays or rivers navigable from the sea, and to provide for the manner of incorporating such ports, and defining the powers of ports so incorporated.'" The affirmative of the measure upon the official ballot shall be numbered 300, and the negative shall be numbered 301, both in numerals. The official ballot shall be prepared by the county clerk in accordance with the provisions of the then existing law relative to elections; the judges and clerks appointed by the county court for the preceding general election shall act as judges

and clerks of such special election, and the register of voters used at such preceding election shall be used at such special election, and no one but persons authorized to vote within such district at a general election held therein shall be authorized to vote at such election. Should any of the regular judges or clerks fail to attend such special election their places shall be filled in the manner provided by law in cases of general elections. The polls shall be kept open between the hours provided for in cases of general elections, and notice of the time of such special election shall be posted in each polling precinct in which such measure is to be voted upon in like manner as is provided for in cases of general elections.

§ 6117. Canvass of Votes and Proclamation of Result.

The judges and clerks shall return the canvass of the vote together with the ballots cast to the county clerk of the county in which the election is held, and on the seventh day after the election the county court shall hold a special session and proceed to canvass such vote, and if upon such canvass it appears that a majority of the votes cast at such special election have been cast in favor of such incorporation, such county court shall cause to be entered upon the journal of such court a proclamation in language substantially as follows:

"Whereas, at a special election duly and regularly held on the..... day of....., A. D. 19...., within that portion of.....county, State of Oregon, described as [here insert description], there was submitted to the legal voters thereof the question whether all that portion of..... county, State of Oregon, described as [here insert description], should be incorporated as the port of.....[here insert name of port], under and pursuant to the provisions of that certain act of the legislative assembly of the State of Oregon, passed at its regular session held in 1909, entitled 'an act to provide for incorporation under general law of ports in counties bordering upon bays and rivers navigable from the sea, or containing bays or rivers navigable from the sea, and to provide for the manner of incorporating such ports and defining the powers of ports so incorporated,' and, whereas, at such election so held.....votes were cast in favor of such incorporation, and.....votes were cast against such incorporation,

And, whereas, the incorporation of such port of.....[here insert name] received the affirmative vote of the majority of the votes cast at such election; now, therefore, the county court of the county of....., State of Oregon, does hereby proclaim and declare that all that part ofcounty, State of Oregon, described as [here insert description], has been duly and legally incorporated as a municipal corporation under the corporate name of the port of [here insert name], under and pursuant to and with the powers vested in such corporation by virtue of that certain act of the legislative assembly of the State of Oregon, passed at its session held in the year 1909, entitled 'an act to provide for incorporation under general law of ports in counties bordering upon bays or rivers navigable from the sea or containing bays or rivers navigable from the sea, and to provide for the manner of incorporating such ports, and defining the powers of ports so incorporated.' "

§ 6118. Mandamus to Compel Calling of Election.

If the county court shall refuse to accept and file any petition for the incorporation of such port, or refuse to call a special election as provided in section 6116, any citizen may apply within ten days after such refusal to the circuit court of the county for a writ of mandamus to compel such county court to do so. If it shall be decided by the court that such petition is legally sufficient and that the requisite number of signatures has been attached to such petition said court shall direct such county court to call such election. Such suit shall be advanced on the court docket and decided by the court as quickly as possible. Either party may appeal to the supreme court within ten days after the decision is rendered by serving upon the adverse party or his attorney a notice of appeal and filing the original of the notice with the clerk of such circuit court.

§ 6119. Expenses of Election, How Paid.

All expenses of any special election held under the provisions of this act shall be paid by the county in which such election is held in like manner as the expense of general election is paid.

TO PROVIDE FOR CHANGING BOUNDARIES OF PORTS.

Section 1. The boundaries of any municipal corporation designated as a port now existing in this State, or which may hereafter be incorporated therein, may be altered and new territory annexed thereto after proceedings had as required by this act.

Section 2. The following shall be substantially the form of petition for the change of boundaries of ports and the annexation of new territory thereto:

WARNING.

It is a felony for any one to sign any initiative or referendum petition with any name other than his own, or to knowingly sign his name more than once for the measure, or to sign such petition when he is not a legal voter.

PETITION FOR THE CHANGING OF THE BOUNDARIES OF THE PORT OF.....,
IN THE COUNTY OF....., STATE OF OREGON, AND ANNEXING NEW
TERRITORY THERETO.

To the Honorable County Court of the State of Oregon for the County
of.....:

We, the undersigned citizens and legal voters of the State of Oregon, and the county of....., residents within the limits of the Port of....., in said county, respectfully demand that there shall be submitted to the legal voters of the State of Oregon, for the county of..... residing within the said Port of....., and to the legal voters of said State and county residing within that portion of said State and county described as, beginning [here insert exterior boundaries of the territory to be annexed] at a special election called by said county court, the question whether or not the boundaries of the Port of.....

in said county and State shall be altered and the territory described as, beginning [here insert description] annexed to said Port of.....in accordance with the provisions of that certain act of the legislative assembly of the State of Oregon at its regular session in the year 1911, entitled "an act to provide for the changing of the boundaries of ports and providing the manner for proceeding for annexing new territory thereto," and each for myself say: That I have personally signed the petition; that I am a legal voter of the State of Oregon, and of the county of....., and a resident within the Port of.....in said county. My residence and postoffice address are correctly written after my name.

Name Residence Postoffice address
(If in a city, street and number.)

(Here follow twenty numbered lines for signatures.)

Every such petition and sheets for signatures shall conform in size and arrangement to that now provided by law for petitions for the incorporation of ports, and the same shall be verified in the same manner as petitions for the incorporation of ports are now required to be verified, except that the affidavit shall require that the signers are residents within the port whose boundaries are proposed to be changed.

The forms herein given are not mandatory, and if substantially followed shall be sufficient disregarding any clerical or merely technical errors.

Section 3. The petition for special election hereinbefore provided shall be filed with the county clerk of the county in which such port is situated, and shall be presented to the county court of said county on the first day of its next regular session. The county court shall forthwith examine such petition, and if it appear therefrom that such petition contains the names of eight per cent of the legal voters of the port whose boundaries are proposed to be changed based upon the whole number of votes cast within such port for justice of the supreme court at the general election next preceding the filing of such petition, the said county court shall call a special election to be held within such port, and the new territory proposed to be annexed, to be held not less than forty days nor more than sixty days after the making of such order, as such county court shall determine. At such special election there shall be submitted to the legal voters of such port, and to the legal voters residing in the territory proposed by said petition to be annexed to such port and become a part thereof, the question of whether said territory proposed to be annexed to such port shall be annexed to and become a part of said port in accordance with the provisions of this act.

The ballot title to be used at such special election shall read as follows: "Shall that portion ofcounty, State of Oregon, described as: Beginning [here insert description of territory to be annexed] be annexed to and become a part of the

municipal corporation known as the port of.....[here insert name] in accordance with the provisions of that certain act of the legislative assembly of the State of Oregon, passed at its regular session held in 1911, entitled 'An act to provide for the changing of the boundaries of ports and providing the manner for proceeding for annexing new territory thereto.' "

The affirmative of the measure upon the official ballot shall be numbered 300, and the negative shall be numbered 301, both in numerals.

The official ballot shall be prepared, and all the procedure for holding said election, and all matters in connection therewith, shall be the same as provided for the holding of special elections upon petitions for the incorporation of ports as now provided by law; *provided*, that at such special election the votes cast by voters residing within the existing port shall be cast and counted separately from the votes cast by the legal voters residing without said port and residing within the boundaries of the territory proposed to be annexed to said port.

The judges and clerks shall return the canvass of the vote, together with the ballots cast, to the county clerk of the county in which such election is held, and on the seventh day after the election or as soon thereafter as practicable, the county court shall hold a special session and proceed to canvass such vote. The votes cast in the territory proposed to be annexed shall be first canvassed, and if it shall appear upon such canvass that the majority of all the votes in such territory are in favor of annexation, then the votes cast within such port shall be next canvassed, and if a majority thereof are found to be also in favor of such annexation, then the said county court shall cause to be entered upon the journal of such court a proclamation in language substantially as follows: "Whereas, at a special election duly and regularly held on theday of....., A. D. 19....., within the port of [here insert name of port], incounty, State of Oregon, and within that portion of.....county, State of Oregon, described as [here insert description of new territory], there was submitted to the legal voters of said port, and of said described territory of said county, the question whether that portion of.....county, State of Oregon, above described, should be annexed to and become a part of the municipal corporation known as the port of [here insert name of port], under and pursuant to the provisions of that certain act of the legislative assembly of the State of Oregon passed at its regular session held in 1911, entitled 'An act to provide for the changing of the boundaries of ports and providing the manner for proceeding for annexing new territory thereto'; and

"Whereas, at such election so held.....votes were cast in favor of such annexation within the territory proposed to be annexed to said port, and.....votes were cast in said territory against such annexation; and

"Whereas, at such special election held.....votes were cast in said port in favor of such annexation, and.....votes were cast in said port against such annexation; and

"Whereas, the annexation of such described territory to the said port of [here insert name of port] received the affirmative vote of the majority of votes cast at such special election both within the territory proposed to be annexed to said port and within said port;

"Now, therefore, the county court of the county of....., State of Oregon, does hereby proclaim and declare that all that part of.....county, State of Oregon, described as [here insert description of new territory] has been duly and legally annexed to and is a part of the municipal corporation known and designated as the port of [here insert name.]"

Said county court shall thereupon cause its clerk to make and transmit to the Secretary of State, and to the secretary of the port affected, a certified copy of the said proclamation, which certified copies shall be held on file by the said Secretary of State in the State of Oregon, and the secretary of the said port, and the said proclamation, or a certified copy thereof, shall be *prima facie* evidence that all the steps required to be taken under the law for the annexation of such territory have been duly complied with in every respect.

Section 4. The expenses of any such election held under the provisions of this act shall be paid by the port to be affected by said proposed annexation.

Section 5. From and after the date of the proclamation made by the county court provided for under section 3 of this act, that portion of such county embraced within the limits defined in such proclamation and the inhabitants thereof shall be a part of the port to which said territory shall have been thereby declared to be annexed.

Section 6. All the provisions of what is known and designated as Chapter 39 of the General Laws of Oregon contained in the acts of the legislative assembly of the State of Oregon, for the year 1909, shall, so far as the same shall be applicable in any way to the manner of procedure in elections to be held under the provisions of this act, govern and apply to the procedure to be followed under any election held under the provisions of this act, where no other provision therefor is made herein.

Section 7. The territory annexed to any port under the provisions of this act must be contiguous to the port and in one continuous tract. Elections to annex two or more separate tracts of territory shall not be held at the same time. [Laws 1911, Chapter 115.]

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Section 2868, page 52, refers to counties advertising their resources

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